

DÁIL ÉIREANN

*Dé Céadaoin, 10 Samhain 2010.
Wednesday, 10 November 2010.*

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

Paidir.

Prayer.

Business of Dáil

An Ceann Comhairle: Before proceeding with business I wish on my own behalf and on behalf of the Members of Dáil Éireann to offer a cead míle fáilte, a most sincere welcome, to Baroness Nicholson of Winterbourne, a member of the House of Lords. I express the hope that she will find her visit most enjoyable.

Deputy James Reilly: She has not arrived yet.

An Ceann Comhairle: We will have to await her arrival.

A Deputy: Hello Baroness.

Deputy Ruairí Quinn: The Ceann Comhairle has just ennobled a member of——

An Ceann Comhairle: In the meantime we will move on to Leaders' Questions.

Deputy Enda Kenny: It is not usual for a Louth man to make a mistake like that.

Deputy Ruairí Quinn: Well done, my lord.

Leaders' Questions

Deputy Enda Kenny: It appears as if there has not been any urgency on the part of the Government in the pursuit of reckless activity in banks. The information available in the media today clearly indicates attempts by former Anglo Irish Bank employees to obstruct the course of justice and not to give the information regarding the encrypted files that many of them have. This is a situation that has outraged the people of the country, that has left our economy in tatters and is responsible for the disaster about to be inflicted upon the next generation.

Deputy Noonan pointed out in this House on a number of occasions that 50 people have been prosecuted and put behind bars in the United States, yet here in Ireland nothing effectively has happened beyond a further extension of the Director of Corporate Enforcement's remit.

Speaking in the Dáil last month in response to Deputy Shatter, the Minister for Justice and Law Reform said in regard to information being withheld that is owned by the bank that if people are not co-operating, it would be an offence under the law. So it should be and so it is. The Taoiseach owns Anglo Irish Bank. This information in these encrypted files is critical and

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may be vital in prosecuting people for criminal or illegal activities. I want to know why the Taoiseach has not instructed Anglo Irish Bank to take a civil action and bring these people to court in order that this information can be made available to the public.

The Taoiseach: It is not correct to say that nothing is happening. The biggest investigation in the history of the State in regard to this area is being conducted under our laws and Constitution. That is being conducted by an independent prosecutor service based on evidence being collated by the Garda Síochána and by the Office of the Director of Corporate Enforcement. All Members of the House would like to see these matters brought to a conclusion as quickly as possible but it is not correct to say that the Government is in position to interfere in regard to the conduct of the investigation. That is not correct but we want to see this matter dealt with as quickly as possible.

As the Deputy will be aware, there are rules in regard to the Central Bank Acts and other Acts relating to banking legislation. A very thorough investigation is ongoing, as the Deputy will be aware. We all want to see it concluded. All the resources required to conduct that investigation are being provided and we would like to see a matter brought to the Director of Public Prosecutions as quickly as possible. I am aware counsel is working on behalf of that body and is liaising with the people concerned who are conducting the investigation. The Garda Commissioner said recently that he expected further progress in regard to it very shortly. We welcome that statement and would like to see it concluded as quickly as possible.

Deputy Enda Kenny: That is not satisfactory. Does the Taoiseach not understand the anger of people on the streets and throughout the country at this continual carry-on? I am not asking the Government to interfere in the course of justice. The Taoiseach said that all resources are being made available in order that this can be brought before the Director of Public Prosecutions, but they are not being made available because there are encrypted files owned by Anglo Irish Bank with information owned by that bank. Those files and the contents of them are not being released and cannot be accessed because they are encrypted. The Taoiseach owns the bank. The people who encrypted those files are responsible for the obstruction of justice in the sense that this information is not being made available to the prosecuting authorities. The Taoiseach has the key to release that because he can instruct Anglo Irish Bank to take a civil action against those people in order that the encrypted files can be brought to the knowledge of the prosecuting authorities. That is a resource the Taoiseach can use. The people want to see that this is brought to finality.

In view of the Minister for Justice and Law Reform having said last month that it is a criminal offence to withhold information and this information is being withheld, I ask the Taoiseach again if he will instruct Anglo Irish Bank to sue in these cases in order that these files can be unencrypted.

While I am on my feet, the situation regarding Anglo Irish Bank and the Taoiseach's relationship with it arose again at the weekend.

An Ceann Comhairle: We have limited time now.

Deputy Ruairí Quinn: You certainly have.

Deputy Bernard J. Durkan: The Government has a limited amount of time.

Deputy Dermot Ahern: Does the Opposition want a head again?

Deputy Pádraic McCormack: The Members opposite have limited time left.

Deputy Bernard J. Durkan: Their time is nearly up.

Deputy Joan Burton: Ollie Rehn got the head.

Deputy Enda Kenny: I understand that we have limited time.

Deputy Enda Kenny: When the then Minister, Deputy Cowen, was nominated to become Taoiseach, he attended a function with the board of Anglo Irish Bank in April 2008. When we asked a question on this in the Dáil, the Taoiseach said that this was a long-standing dinner engagement with Anglo Irish Bank and that it had no relevance to this situation. I take the Taoiseach at his word in what he said, but he has now been directly contradicted by a former director of Anglo Irish Bank. He states: "He was acutely aware of our problems. The conversation at that dinner was interesting. The big man has been less than truthful about it."

The Taoiseach: Who is he?

Deputy Enda Kenny: The Taoiseach made his comment about the long-standing dinner in April 2008 when he answered questions in the House. I ask him again to clarify the position in view of the comments made by a former Anglo Irish Bank director which directly contradict what the Taoiseach said about the issue. Will he clarify the matter again?

Deputy Timmy Dooley: Deputy Kenny should name the former director.

The Taoiseach: On the first matter raised by Deputy Kenny, everything possible is being done to assist the prosecuting authorities in bringing forward prosecutions based on evidence that has been compiled legally and in accordance with the law. There is no division in the House that the matter must be conducted in that way. The authorities concerned will advise on all of these issues and everything will be pursued. There is no hiding place for anybody.

Deputy Enda Kenny: The Government should pursue the matter in the courts. The State owns the bank.

The Taoiseach: One understands the anger and frustration of people in relation to this matter. They are shared by many Deputies on all sides. However, we have to make sure that there is every prospect that whatever is brought forward is successfully prosecuted. This has to be done in accordance with the law. That is what is happening and we would like to see that completed as quickly as possible.

The other canard the Deputy raises——

Deputy Enda Kenny: The Minister for Justice and Law Reform has indicated it is a criminal offence to withhold information.

The Taoiseach: ——was brought up previously and I dealt with it. I do not know whether Deputy Kenny answers anonymous letters but if someone is not prepared to put his or her name to what he or she says, it is hard for me to deal with the issue or question what motivation lies behind it. I can say a number of things about this matter. First, there was no discussion of the details of Anglo Irish Bank at the meeting in question.

Deputy Joan Burton: Either details or generalities.

The Taoiseach: Deputy Burton is another conspiracy theorist. I made sure I attended a dinner which had been arranged and which other people in previous positions, including people on the Deputy's side of the fence, had attended. It was a quarterly meeting to which people are

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invited. I spoke generally about the economy and all the rest of it. There was nothing specific about Anglo Irish Bank in relation to that matter. If the Deputies wish to go off and check with people, they should do so.

I am not here to answer anonymous claims by anybody. If someone does not have the guts to put up what they are saying so that we can see what is the motivation behind their words, it is very hard for me to answer them. I am making clear, however, that I have nothing to hide in relation to the matter. None of the stuff being relayed by whoever said it and which has been faithfully printed by some of the newspapers here is true.

Deputy Paul Kehoe: The Taoiseach is very touchy.

Deputy Eamon Gilmore: When an individual citizen is badly treated or does not get fair play from a public body, the course open to him or her is to take a case to the Ombudsman. The Office of the Ombudsman was established by the Oireachtas to provide an independent means of investigating complaints by members of the public. The idea is that a fair examination of the case takes place and the individual gets fair play.

Yesterday, we had a report from the Ombudsman on the right of older people to nursing home care. I acknowledge that the report criticises Governments of all hues over the past 25 years and that there are significant financial implications in what the Ombudsman had to say. In the course of her report, she that she encountered “unprecedented opposition, and a lack of co-operation” by the Department of Health and Children and Health Service Executive in the conduct of her examination. Yesterday, the Minister for Health and Children publicly rejected the report. This is the second time in quick succession that a Government Department has rejected a report from the Ombudsman. In recent weeks, the Government used its majority and applied the whip to vote down the lost at sea report at an Oireachtas committee.

What is the Taoiseach’s response to the criticism of the Ombudsman that she encountered “unprecedented opposition” and “a lack of co-operation” by the Department of Health and Children and Health Service Executive in the conduct of her examination? Does the Government reject the Ombudsman’s report on nursing home care? Is it not now the case that there is a pattern of the Government rejecting reports from the Ombudsman and, in effect, undermining her independence and, in the process, the right of individual citizens to have recourse to an independent body to investigate complaints against public authorities?

The Taoiseach: The matter that referred to was a request regarding issues that were under litigation. On the advice of the Attorney General, this information is not made available to anyone, nor is it within the remit of the Ombudsman’s Act to obtain it.

There was a suggestion that there was no legal certainty in these matters. The Oireachtas enacted legislation prior to the investigation in question being undertaken which provided legal certainty. The nursing home support scheme, which has been favourably received by all Members based on its good operation and the equitable position it establishes between public and private nursing home care for people to obtain nursing home care based on their means and needs and an assessment of a multidisciplinary team, has been broadly welcomed in the House. Legal certainty was provided by the Oireachtas before the investigation started.

The other matter relates to the suggestion that nursing home care is provided regardless of budgets, which is clearly not the case. All public services are provided based on resource availability, the adequacy of resources and the resources being applied at a given time. Legal certainty has, therefore, been provided.

On the question of litigation issues, that is not a matter to which the statutory person concerned is entitled.

Deputy Eamon Gilmore: I suppose the Government would say that, would it not? Everything the Taoiseach said is opinion. Among the matters the Ombudsman was investigating was the position regarding 300 cases that have been taken against the HSE and Department of Health and Children in respect of nursing home care. It is clear from the report that there is a major issue with regard to nursing home care, the complaints individuals and families have about the way in which they have been treated and what the Ombudsman described as inconsistency in the way in which the nursing home subvention has been provided over a period of time.

Clearly, what is happening here is an obstruction by Government of the Ombudsman's investigation. The Ombudsman nailed that by referring to what she describes as unprecedented opposition and frustration of her investigation by both the Health Service Executive and Department of Health and Children. This follows a pattern. It is not an isolated case of one investigation by the Ombudsman being frustrated by a Department. The Government has been systematically slaughtering the watchdogs whose purpose is to stand up for the rights of individual citizens. It dismantled the Freedom of Information Act, forced the resignation of the chief executive of the Equality Authority and abolished the Combat Poverty Agency.

An Ceann Comhairle: Will the Deputy please put a question?

Deputy Eamon Gilmore: This is the second time within a short period that the Government has sought to undermine the independence of the Office of the Ombudsman, the purpose of which is to stand up for individual citizens and those who have a complaint to make against a public authority. The Government is a serial offender as far as dealing with the bodies that are supposed to stand for people, including the Ombudsman, is concerned.

The Taoiseach: I do not accept that. It is not the case. The case mentioned in the report to which the Deputy referred is before the courts.

Deputy Eamon Gilmore: It was a wide-ranging report.

An Ceann Comhairle: Please allow the Taoiseach to continue. We may have only one speaker at a time.

The Taoiseach: The Deputy has made a few assertions which I would like to answer with some facts. That case is before the courts. The Ombudsman does not deal with issues before the courts. The Office of the Ombudsman deals with administrative malpractices and complaints that come before it. If a person seeks to resolve a matter through the courts, it is dealt with by the courts. The Ombudsman in that respect is not an alternative to the courts as the courts deal with such legal matters. Administrative issues that arise regarding malpractice or a complaint are dealt with by the Ombudsman. That is the answer to that question.

Second, the Department, as is its duty, is entitled to put its position regarding these matters. That does not undermine anyone.

Deputy Eamon Gilmore: That is not the question.

An Ceann Comhairle: Deputy.

The Taoiseach: That simply is a Department putting its view in respect of—

Deputy Eamon Gilmore: She states it does not co-operate.

The Taoiseach: There was no question of not co-operating. There was no question of that because——

Deputy Liz McManus: Is the Taoiseach calling her a liar?

Deputy Eamon Gilmore: Is she wrong then?

An Ceann Comhairle: Deputy Gilmore, please. The Taoiseach, without interruption.

The Taoiseach: On the allegation that is being made, yes. The allegation that is being made is that the Department failed to co-operate with the investigation. The investigation sought to obtain the legal strategy in respect of cases that were before the courts. That is not within the remit of the Ombudsman Act. That office does not deal with legal matters before the courts. This is the point.

Deputy Paul Kehoe: Should she be sacked?

The Taoiseach: The Department made it clear from the outset of the investigation, having consulted as normal with the Office of the Attorney General, that it could not accept that a number of areas of the proposed investigation came within the ambit of the Ombudsman Act 1980. In fact, the Ombudsman's report of 2001 on nursing homes subventions acknowledged that "the Ombudsman's jurisdiction relates to administrative actions only and does not encompass all of the elements which make up the wider governmental process". Similarly, the Ombudsman's remit does not cover the conduct of litigation by the State. These are the facts of the situation and it is clear, from the representations made to the Ombudsman and published today that the Minister has fundamental concerns about the manner in which the investigation was undertaken and the failure to follow fair procedures, as well as regarding the content, scope and language of the report. These issues will be considered carefully now that the final report has been published.

Deputy Eamon Gilmore: That is rejecting the Ombudsman's independence.

The Taoiseach: Not at all. It is a question of the Department and the Minister——

Deputy Eamon Gilmore: No, the Government is not judge and jury over the Ombudsman.

The Taoiseach: I am sorry Deputy——

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

The Taoiseach: Just as the Ombudsman is entitled to put her position, the Department and the Minister are entitled to put their position.

Deputy Eamon Gilmore: But that is the point. She did not——

The Taoiseach: The allegation of non-co-operation relates to an area that is not within the ambit of the Ombudsman's Act.

Deputy Eamon Gilmore: Says who?

The Taoiseach: Says the Attorney General, who advises the Government.

Deputy James Reilly: Is that the only area——

The Taoiseach: To be honest——

Deputy Eamon Gilmore: This is a funny way to treat an independent office.

An Ceann Comhairle: Deputy Gilmore, we cannot have this type of exchange on Leaders' Questions.

The Taoiseach: To be honest, it takes some doing to take a lecture from a Deputy who was a member of a Government that conducted the Brigid McCole case.

Ceisteanna — Questions

Agreements with Members

1. **Deputy Enda Kenny** asked the Taoiseach the nature of the agreement between the Government and Deputy Jackie Healy-Rae; and if he will make a statement on the matter. [30247/10]

2. **Deputy Enda Kenny** asked the Taoiseach the nature of the agreement between the Government and Deputy Michael Lowry; and if he will make a statement on the matter. [30248/10]

3. **Deputy Enda Kenny** asked the Taoiseach the arrangements in place in his office for providing special assistance to certain independent members of Dáil Éireann; and if he will make a statement on the matter. [30249/10]

4. **Deputy Eamon Gilmore** asked the Taoiseach the arrangements in place within his Department for providing special assistance to certain Independent members of the Dáil; if he will list those members who benefit from this arrangement; and if he will make a statement on the matter. [32311/10]

5. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the nature of arrangements in place for his office to provide special assistance to those non-party Deputies who support the Government; and if he will make a statement on the matter. [41383/10]

The Taoiseach: I propose to take Questions Nos. 1 to 5, inclusive, together.

These are political agreements that my predecessor entered into as leader of the Fianna Fáil Party with individual Independent Deputies. On becoming leader of Fianna Fáil, I confirmed to the Deputies concerned that I would continue to implement those agreements.

The House is aware such arrangements have existed for more than 13 years. The agreements are confidential but they are, as always, based on the programme for Government, which incorporates the national development plan, approved Government programmes and annual Estimates for capital and current expenditure.

Deputy Enda Kenny: The Government made a deal with three Independent Deputies in 2007. To date, one of them has left the Government and two have been obliged to seek assurances from the Government on other serious matters. It seems as though the Government now is being held together by two Independent Members, based on the numbers in this House. One of the aforementioned Deputies is pursuing a massive development in County Tipperary that apparently requires the engine of a casino to drive it. I understand there is pressure on the Minister for Justice and Law Reform to publish a report that has been conducted into the

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position regarding gaming. The other Deputy appears to have a continued interest in ring roads around towns in County Kerry, which obviously are highly valuable and of much importance.

Deputy Finian McGrath: Surely Deputy Kenny would not begrudge him that?

Deputy Enda Kenny: At a time when everything is on the table and when the Government is faced with making decisions on taking €6 billion or thereabouts out of the economy next year, when people nationwide are expected to make a contribution because of the litany of incompetence by the Government over the years, why is it still the position that a civil servant or civil servants, who are paid for by the taxpayer, are still in discussions about which no one knows anything with the Independent Deputies? If everything is on the table, is this also on the table?

The Taoiseach: I do not understand the question. The position is clear. In respect of the specific matter regarding the roads programme, that will be dealt with in the Estimate for the Department of Transport. As for issues relating to future policy on the licensing of gaming and so on, as the Deputy noted a report is being prepared by the Minister for Justice and Law Reform. He is considering that report in the normal course of events. I believe Deputy Kenny is doing an injustice to the Deputy concerned because he has not suggested this is an issue upon which he will decide his position regarding the budget. He will decide on that when he sees the budget, as can all other Deputies, including Deputy Healy-Rae. All these issues are matters that will be dealt with in the normal course of events in respect of the preparation of budgets and the putting of a budget to the House. Each Deputy will make up his or her mind on that basis.

If Independent Deputies liaise with my office, they deal with an official there. However, that is not the aforementioned official's only duty, as he has other duties. I am sure Deputy Kenny has contacted my Department and office himself from time to time and has been dealt with in the normal way. This is the way it happens and there is no big deal about it.

Deputy Enda Kenny: If the Taoiseach does not understand the question I will ask it of him again.

The Taoiseach: I thank the Deputy.

Deputy Enda Kenny: Deputy Healy-Rae — good luck to him — on many occasions has shown a part of the headed paper on which his deal has been drafted and signed. Members spoke earlier during Leaders' Questions about encrypted files. These deals with the Independent Members appear to be in encrypted in such a way that no one can find out anything about them. Has the Taoiseach appointed a public servant, paid for by the taxpayer, to liaise regularly with Independent Deputies who are keeping the Government in power? Does the Taoiseach understand that question?

The Taoiseach: I do of course.

Deputy Enda Kenny: Then answer it.

The Taoiseach: Yes, there is a person in my office those Deputies who wish to inquire about something may ring. He also has other duties and does not sit there waiting to receive a telephone call from two Independent Deputies. If Independent Deputies wish to contact my office, there is a person with whom they deal. I am sure that if a Fine Gael Deputy is looking for Deputy Kenny through his office, there is a person with whom he or she will deal.

Deputy Enda Kenny: Yes, but not about holding a Government to ransom and stating that unless——

The Taoiseach: No one is holding the Government to ransom.

Deputy Enda Kenny: ——it delivers something, the Deputy concerned will vote against it.

The Taoiseach: That has never been suggested to me.

Deputy Enda Kenny: While that might not have been suggested to the Taoiseach, I am sure the message was given to him quite clearly.

The Taoiseach: No, it was not. That is Deputy Kenny's version of events.

Deputy Enda Kenny: When will the Government publish the document from the Minister for Justice and Law Reform on changes in the legislation pertaining to gaming and casinos?

The Taoiseach: That is a matter for the Minister for Justice and Law Reform. He is considering the matter.

Deputy Enda Kenny: Has the Taoiseach no control over the Minister for Justice and Law Reform?

The Taoiseach: Whenever the Minister for Justice and Law Reform brings the matter before the Government, I am sure it will be considered.

Deputy Enda Kenny: Were Deputy Lowry to ring the person in the Taoiseach's office to state that he sought the publication of this document, what would happen then? Would that public servant then inform the Taoiseach that he has an Independent Deputy on the telephone inquiring about his deal?

Deputy Finian McGrath: All day.

The Taoiseach: Deputy, this country has issues to discuss and there is no point in getting into a cartoon sketch.

Deputy Enda Kenny: The point is that the Taoiseach has appointed a public servant, paid for by the taxpayer, to take telephone calls as part of his or her duties——

The Taoiseach: That is not his job. It is one of many jobs he has. Incidentally, he also takes phone calls from Fine Gael Deputies. He takes telephone calls from everyone. If Deputy Kenny wishes to contact my office and wishes to deal with that official——

Deputy Enda Kenny: Of course. I do occasionally——

The Taoiseach: ——I will give him his name and telephone number. He is a very efficient and effective person.

Deputy Enda Kenny: ——and I have been received with great courtesy.

The Taoiseach: I thank the Deputy.

Deputy Enda Kenny: However, I do not telephone the Taoiseach about a secret deal done in 2007. Will the Taoiseach publish that deal?

The Taoiseach: I have explained in my reply. There are political agreements in place.

Deputy Enda Kenny: Deputy Healy-Rae has been going around showing bits of a sheet of paper and saying, “This is the deal I have with the Government”. Is the Taoiseach prepared to publish that?

The Taoiseach: I have explained to the Deputy. It is confidential between the Deputy and the Government.

(Interruptions).

The Taoiseach: And these agreements are based on the programme for Government.

Deputy Paul Kehoe: They are secret deals.

The Taoiseach: If Deputy Kenny is in a similar election situation some time he will probably do the same thing, if that unlikely event ever occurs.

Deputy Enda Kenny: We will have a clear majority and no need for secret deals.

Deputy Terence Flanagan: The Taoiseach should publish them.

Deputy Finian McGrath: Taoiseach, I will give you a shout about that this afternoon..

Deputy Eamon Gilmore: Both the Taoiseach and Minister for Finance have said on several occasions over the past couple of weeks that every area of public expenditure is now open to consideration and reconsideration, given the financial state the country is in. Deputies Healy-Rae and Lowry have both been claiming publicly that they have an arrangement with the Government which commits the Government to expenditure over and above what would normally be the case. Deputy Healy-Rae, for example, was quoted in a newspaper as recently as last Friday stating that he expected the Government to provide several things for him in return for his continued support, including a road by-pass and a hospital. He went on to state, presumably in the context of the forthcoming budget, that his son would be meeting the Minister for Finance shortly, along with Deputy Lowry.

11 o'clock

There has been much talk about providing us all with information and everybody looking at the various options for what might be done with public expenditure and so on. We need to establish the following. First, is there an arrangement with the two Deputies for expenditure of a special nature? Second, is Deputy Healy-Rae's son to meet the Minister for Finance to discuss, presumably, matters which might be contained in the budget and Estimates? Third, is it true that there are meetings between the Minister for Finance and Deputy Lowry in respect of these matters?

The Taoiseach: It is open to any Member of this House, including members of Deputy Gilmore's party, who have taken up the opportunity, to speak to the Minister for Finance at any time and on any issue, diaries allowing. That is not a problem. It is called democracy. People can make whatever case they wish. At the end of the day, the Government has a responsibility to bring forward a budget which will meet our strategy of bringing our deficit down to 3% of GDP by 2014. Everyone in the House has priorities and issues they would like to discuss with the Government. The Government, and the Ministers who have line responsibility, will make the decisions in regard to these matters.

It is wrong to seek to convey the impression that this is anything other than the normal representations that people make in the normal way. They are based on political understand-

ings, which have meant that those Deputies have supported the Government consistently over the period.

We have an overall job to do and a limited amount of resources with which to do it. We must make our decisions accordingly. The Government, the Opposition and individual Members of the House will make their decisions in regard to the budget when it is issued. We will deal with them on that basis.

Deputy Eamon Gilmore: I hear what the Taoiseach is saying. The facilities available to Deputies Healy-Rae and Lowry are no different from the facility available to any Deputy.

The Taoiseach: I simply made the case that, for those Deputies, meeting the Minister for Finance is the same entitlement and right as people in Deputy Gilmore's party who have sought and obtained meetings. It is the same process.

Deputy Eamon Gilmore: That is fair enough. May I follow that through? When Deputy Healy-Rae or Deputy Lowry suggest to their constituents in Kerry South or Tipperary South——

Deputy Dan Neville: Tipperary North.

Deputy Eamon Gilmore: ——that they are getting something by virtue of their support for the Government, that is not the case. The truthful position is that nothing is happening in Kerry South or in Tipperary South that would not have happened anyway and the only thing they have in return for their support is the right to write a letter to the Minister for Finance, the same as any of us could, or request a meeting with the Minister for Finance, as any Deputy can, and there is no special arrangement and no gifts of road by-passes, hospitals, casino legislation or anything of that kind that would not happen in the normal course of events. Is that the case?

The Taoiseach: I have made the point to the Deputy. He can make any absurd contention he wishes. I am simply saying those Deputies have political understandings with the Government. They support the Government and have arrangements in place. They have the same concern for the national interest as anyone else. They have the same issues to contend with in looking at their requirements and they understand what the overall Government position is. They will make their decisions as to whether their support for the Government will be available, based on the outcome of the budget and how they see it. That has happened before. That is the issue.

Deputy Enda Kenny: The Government is buying their votes.

The Taoiseach: There is a political understanding with the Government. They entered into agreements. I said I would honour those agreements to the greatest extent I can, consistent with the overall budgetary strategy the Government must roll out in the interest of the country.

With regard to what people say or do in terms of local matters, Deputy Gilmore has not been supporting the Government but there is many a project in Dún Laoghaire for which he has claimed some credit himself even though he does not support the Government at all.

Deputy Eamon Gilmore: I have not had much opportunity to do so of late.

The Taoiseach: He has had many more opportunities than he cares to admit. Even if he claims it only happened on a few occasions, he was not behind the door himself in arriving to

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make sure people understand that Eamon was supportive of a project. One does not have to be a supporter of the Government to have that accusation levelled against one.

Deputy Eamon Gilmore: I thank the Taoiseach for his compliment about my diligence in carrying out my constituency duties. I am always happy to acknowledge the Government's munificence, although I have not seen much of it of late.

The Taoiseach says there is a political agreement with Deputies Healy-Rae and Lowry. That is fine. The agreement has never been spelt out or set out in the House. I do not know what is in the agreement. It could simply be that the two Deputies are enthralled by the brilliance of the Government and enthusiastically support it. Does the support of the two Deputies involve commitments of public expenditure that are above and beyond what would happen anyway?

I understood from the Taoiseach's first answer that there was no such commitment and that the arrangement the Deputies had was the same as anyone else, namely, that they could talk to the Minister for Finance or whatever. In his last response, the Taoiseach seems to imply that there were such commitments. If so then in the current situation, where every area of public expenditure is under scrutiny, we should be told what they are. If there are no such commitments for public expenditure in the constituencies of the two Deputies we should, similarly, be told that. On the one hand the Taoiseach is saying they get no commitment other than what any Deputy, even an Opposition Deputy, might expect while on the other hand, he is half implying that there might be something more involved but he is not telling us whether there is or not.

The Taoiseach: It is very simple. Deputy Gilmore can try to confuse it all he likes. I go back to my primary reply. The Deputies support the Government. They have understandings and agreements with the Government.

Deputy Eamon Gilmore: What are they?

The Taoiseach: Let me explain to the Deputy. The agreements are confidential between the Deputies and the Government — that is the agreement the Deputies have made — but they are based on the programme for Government. As the Deputy will know, there are certain issues of particular concern to the Deputies that we will try to accommodate but they will have to be done in the context of the overall programmes that are available. The Deputy mentioned Kenmare hospital. The project has gone through the planning and design process and approximately €1 million has been spent on it this year alone. That is a matter that is being proceeded with. It is supported by the Government and the Independent Deputies concerned. I am sure there are people in Deputy Gilmore's constituency and party who support it also.

Deputy Eamon Gilmore: Was that in the agreement or would it have happened anyway?

The Taoiseach: I am simply outlining to the Deputy the arrangements that exist, which he well knows as a practising politician. I explained to him that the arrangements between the Government and the Deputies concerned are confidential. We are proceeding along an understanding we have with those Deputies. The Deputies have clearly been supporting the Government on that basis. They are in a different position from Deputy Gilmore in that they support the Government.

If, unfortunately, the Deputy has a problem with that, so be it. The Independents in question support the Government and have a basis for so doing. That is the basis on which we deal with them.

Deputy Eamon Gilmore: What is cost, if any?

Deputy Liz McManus: What is the price?

An Ceann Comhairle: We must move on. I call Deputy Ó Caoláin.

Deputy Caoimhghín Ó Caoláin: It was hard to suppress a smile when I heard Deputy Kenny address the Taoiseach on the basis of asking whether he had received telephone calls from Independents stating that if he did not deliver on a certain matter, they would not be voting for him when the flip of the coin was that Deputy Kenny was making the calls saying, “If I deliver this, will you vote for me?”

An Ceann Comhairle: We might be more——

Deputy Caoimhghín Ó Caoláin: It was an enjoyable little moment. The flip of the coin is always the reality in here.

Deputy Dan Neville: What is he talking about?

Deputy Deirdre Clune: Cryptic.

Deputy Caoimhghín Ó Caoláin: The Taoiseach has a majority of three in this Chamber. That constitutes, in real terms, Deputies Harney, Healy-Rae and Lowry. I am sure many would say, “God help us,” but I would say, “God help the Taoiseach.” In spite of these circumstances, there are four vacant seats in this House. One by-election campaign is currently under way. It is the most tenuous position any Government has been in, certainly in my time as a Member of this House and for some time before.

Has the Green Party, including Deputy John Gormley, a role in the engagement with Deputies Healy-Rae and Lowry in regard to the Government’s arrangement with them? Is it just a Fianna Fáil relationship? Will the Taoiseach clarify whether the leader of the Green Party has direct involvement with him in the relationship with the two Deputies?

With regard to the proposed casino development in County Tipperary, whose desirability or otherwise I will not address this morning, I have noted a couple of comments by Deputy Lowry. He has given vocal support for the project. He is quoted as having said he expects the Government to publish shortly “a report it commissioned on the gaming laws” and to issue “a policy statement indicating that enabling legislation will be introduced which would allow the casino to operate”. Is this the case?

Leaving aside the argument as to whether the casino proposal merits support across the board, has Deputy Lowry, in his role as a Government-supporting Independent, some special relationship with the Government in regard to the matter? He certainly has information that the Taoiseach has not shared in the Dáil Chamber heretofore. Would this include direct engagement with the Minister for Justice and Law Reform? Will the Taoiseach confirm that there is a policy statement in the offing to the effect that enabling legislation will be introduced, as Deputy Lowry claims? Whatever about the proposition in question, surely gaming laws should always be based solely on the public good and be mindful of the very serious gambling addictions that exist in Irish society.

The Taoiseach: As I stated, the question of updating legislation in this area been considered independently by the Department of Justice and Law Reform as a matter of course. It is 50 years since the legal framework was established. The important task is to ensure everything is done within the law and properly.

[The Taoiseach.]

The Minister for Justice and Law Reform and his Department will consider the report — it is now completed — and make proposals to the Government in due course. That is the position. Obviously Deputies have views on these matters but it is ultimately a matter for the Government to bring forward its proposals. That is the way the matter will be dealt with in the normal course of events.

Deputy Caoimhghín Ó Caoláin: I referred to Deputy Gormley's role *vis-à-vis* the support that is depended upon from Deputies Healy-Rae and Lowry. Would the Taoiseach like to comment on that? One of his coalition colleagues from the Green Party is beside him. Will the Taoiseach indicate whether the Green Party, including Deputy Gormley, is privy to the arrangements with Deputies Healy-Rae and Lowry and whether it has given its full support to whatever arrangements may be in place, and that this is the ongoing position?

The Taoiseach: As I outlined in my reply, the arrangements in place are confidential between the Deputies concerned and the Government. The issue is that it is based on the programme for Government.

The economic basis on which we are trying to implement the programme for Government applies to other arrangements also. This implies we must reach a 3% deficit target by the end of 2014 and bring forward a budgetary policy within that framework. All decisions that are taken are taken on that basis. That is consistently the case right across the board in terms of the programme for Government, between the parties in Government——

Deputy Caoimhghín Ó Caoláin: Therefore, Deputy Gormley does know the detail and has approved it.

The Taoiseach: As I stated, the agreements are based on the programme for Government. The concerns being articulated by Deputies from time to time within their constituencies are well known.

Deputy Caoimhghín Ó Caoláin: That does not answer the question.

The Taoiseach: It does.

Deputy Caoimhghín Ó Caoláin: No.

Deputy Enda Kenny: The Taoiseach stated the agreement is between the Government and Deputies Healy-Rae and Lowry. Does that mean the document the good Deputy from Kerry South has been showing in part is actually a Government document?

The Taoiseach: No.

Deputy Enda Kenny: It does not. Therefore, does it mean it is subject to the Freedom of Information Act, if the Government——

The Taoiseach: No.

Deputy Enda Kenny: It does not. Therefore, it is secret.

The Taoiseach: It is confidential.

Deputy Enda Kenny: What is the difference between “confidential” and “secret”?

The Taoiseach: It means one is confidential, between the two parties. It is open to the parties concerned to make it public if desired; it is not secret under any Act. It does not fall under the Official Secrets Act.

Deputy Enda Kenny: In being confidential, it does refer to the expenditure of public moneys, which should be subject to freedom of information legislation and scrutiny.

The Taoiseach: It is subject to the programme for Government; the same economic basis applies. The Deputy may ask 45 questions about it but the response is the same, namely, that we have a budgetary strategy in the context of which all decisions must be taken. It is a matter for Ministers to determine how to expend the moneys allocated to them. That is the position and it is no big deal.

Deputy Enda Kenny: With a view to achieving clarity, does that mean the €1 million spent on a hospital in Kenmare would be spent in the normal course of events as part of the Government's programme?

The Taoiseach: The Government is supportive of a development in Kenmare hospital.

Deputy Enda Kenny: Sure. Would it be carried out in any case?

The Taoiseach: One reason Deputy Healy-Rae continues to support the Government is that he is in agreement with the development also. Certain members of the Deputy's party are in favour of it. What is his problem, therefore?

Deputy Enda Kenny: My question was on whether the development would occur even without the bit of paper.

The Taoiseach: Members of the Labour Party are in favour of it.

Deputy Noel J. Coonan: I am sure the Taoiseach will agree with me on one point, namely that Deputy Lowry is a very able politician. Will the Taoiseach clarify whether there would be no capital allocations for projects in north Tipperary, such as roads projects, infrastructural projects, schools building projects and repairs, if it were not for Deputy Lowry's agreement and support of the Government? Where does the Taoiseach's colleague, Deputy Hocht, fit in? Deputy Lowry claims credit for every development in north Tipperary but claims no responsibility for any service removed.

An Ceann Comhairle: We are spending an inordinate amount of time on this. Has the Deputy a question?

Deputy Noel J. Coonan: Everyone welcomes the proposed "Tipperary Venue" project, which has massive potential. When the Taoiseach, Deputy Cowen, was perceived to be in trouble, Deputy Lowry stated he was the only person he would support as Leader of Fianna Fáil. According to statements made locally, this was because the Taoiseach had given an assurance that the Gaming and Lotteries Act would be amended in order to facilitate the development of the project to which I refer. Will the Taoiseach either confirm or deny that he provided Deputy Lowry with such an assurance under the programme for Government?

The Taoiseach: As the Deputy is well aware, Deputy Lowry is a very able politician. Deputy Lowry offered his unconditional support for my leadership of the Government. He made an independent decision in that regard. There is no——

Deputy Noel J. Coonan: So there is no commitment.

The Taoiseach: In fairness, Deputy Lowry does not operate on that basis. There was no prior discussion with me on these matters.

Deputy Noel J. Coonan: I am not making this up.

The Taoiseach: I accept that. However, the fact is that——

Deputy Paul Kehoe: The Taoiseach should be careful with regard to the language he intends to use.

The Taoiseach: I have no difficulty in using language. Deputy Coonan also claims a great deal of credit for things that occur in north Tipperary. I read *The Midland Tribune* every week and the Deputy's name is never absent from its pages.

Deputy Enda Kenny: The blocks of cheese have not yet been mentioned.

The Taoiseach: Deputy Coonan tends to indicate his support for any agreement with anything that is happening — he also exerts pressure in respect of particular issues — and he is entitled to do so. Deputy Kenny does the same in County Mayo.

Deputy Noel J. Coonan: What has Deputy Lowry delivered that Deputy Hctor has not?

The Taoiseach: Why would Deputy Kenny not do the same?

Deputy Noel J. Coonan: What about Deputy Hctor?

The Taoiseach: It is the people who support one who believe in one. Is that not what politics is all about? Let us cut out the nonsense. The idea that Opposition Deputies sit peevishly at home while Government announcements are made and that they have nothing to say about them or would not wish to indicate support for them or that they have not appeared at launches, etc. — as they are entitled to do — and informed their supporters that they are in favour of what is happening and that they have exerted pressure on the relevant Minister and his or her Department over a period of years is nonsense.

Deputy Noel J. Coonan: Is Deputy Lowry claiming credit for everything also nonsense?

The Taoiseach: How else would politicians survive if they did not behave in the way to which I refer?

Deputy Thomas P. Broughan: The Minister of State, Deputy Connick, recently visited my constituency but he never informed me that he intended to do so.

Deputy Seán Connick: What a shock.

The Taoiseach: I could reprimand the Minister of State but I understand the Deputy's party leader also visited his constituency and did not inform him of his intention to do so.

Deputy Eamon Gilmore: That is not true.

(Interruptions).

Deputy Thomas P. Broughan: Will the Taoiseach confirm whether the Independent Members — Deputies Lowry, Healy Rae and Finian McGrath — are still in receipt of €43,000 per annum in the form of the so-called party leaders' allowance? If they do remain in receipt of it, then possibly €1 million or more has been allocated——

An Ceann Comhairle: It might be best to pursue this matter by means of another avenue. Perhaps the Deputy could table a separate parliamentary question in respect of it.

Deputy Thomas P. Broughan: A great deal of money has been spent on these so-called party leaders. Is it the case that the allowances to which I refer are not subject to audit by the Standards in Public Office Commission? In other words, they are not audited in any way, shape or form. The Minister of State at the Department of the Environment, Heritage and Local Government, Deputy Cuffe, is sitting beside the Taoiseach.

An Ceann Comhairle: The Deputy should pursue this matter in another way. He should submit a separate parliamentary question in respect of it.

Deputy Emmet Stagg: There is a question on the Order Paper which relates to this matter.

Deputy Thomas P. Broughan: Why are these so-called party leaders' allowances not publicly audited? Political party funding cannot be spent for electoral purposes. However, we do not know how the allowances of €43,000 which are paid to the Independent Members to whom I refer are spent. We do not know what happens to a single euro of this money. Is there any intention to audit these allowances?

The Taoiseach: I understand that the Houses of the Oireachtas Commission is responsible for dealing with these matters. A number of members of the Deputy's party serve on the commission. I cannot comment further other than to advise the Deputy to raise the matter at the relevant forum. This is not a matter for me to comment on.

Deputy Emmet Stagg: Deputy Broughan's question is in order. The difference between the party leaders' allowance and the payments made to certain Independent Members — which are the subject of a question on the Order Paper — is that every cent paid out in respect of the former must be audited and accounted for. However, the Independent Members can put the money they are paid in their back pockets and then do what they like with it. There are no controls whatsoever in this regard. It is well recognised that this allowance is an election fund of €43,000 per year for each of the Independent Members to whom it is paid. When one multiplies €43,000 by five, one can see that it amounts to a huge election fund.

The Taoiseach: As a long-standing Member of the House, Deputy Stagg is aware that there are so many other ways in which this matter can be pursued.

Deputy Emmet Stagg: This is the correct time to seek the information——

An Ceann Comhairle: The Deputy should not be seeking specific detail.

Deputy Emmet Stagg: ——because a parliamentary question to the Taoiseach in respect of this matter appears on the Order Paper. We are asking if there is any intention to apply the same audit procedures to the allowance to which Deputy Broughan refers as those which apply in respect of allowances paid to party leaders.

An Ceann Comhairle: The Deputy should put that question at the appropriate time.

The Taoiseach: A question was not tabled to me in respect of this matter. Deputy Broughan has posed a supplementary question.

Deputy Eamon Gilmore: Questions Nos. 3 and 4 refer to the provision of special assistance to certain Independent Members.

The Taoiseach: Question No. 3 is in the name of Deputy Kenny and refers to whether there is a specific official who liaises with the Members involved.

Deputy Emmet Stagg: The question is the question.

The Taoiseach: If a parliamentary question is tabled with suitable notice, then we will try to provide an answer. As far as I am aware — and I can only answer on the basis of the information available to me — the point I am making with regard to this being a matter for the Houses of the Oireachtas Commission, in the first instance, is valid.

Ministerial Responsibilities

6. **Deputy Enda Kenny** asked the Taoiseach the responsibilities of the Ministers of State at his Department; and if he will make a statement on the matter. [30250/10]

7. **Deputy Eamon Gilmore** asked the Taoiseach the current responsibilities of Ministers of State at his Department; and if he will make a statement on the matter. [35870/10]

8. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the roles and responsibilities of Ministers of State at his Department; and if he will make a statement on the matter. [41384/10]

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

On 23 March 2010, the Government appointed Deputy Curran as Government Chief Whip and Minister of State at my Department and at the Department of Defence and Deputy Calleary as Minister of State at my Department and at the Departments of Finance and Enterprise, Trade and Innovation. The Minister of State has special responsibility for public service transformation and labour affairs. Deputy Roche was reappointed as Minister of State at my Department and as Minister of State at the Department of Foreign Affairs with special responsibility for European affairs on 22 April 2009.

As Chief Whip, the Minister of State, Deputy Curran, is primarily responsible for the organisation of Government business in the Dáil and for the Government's programme of Dáil reform. He also oversees the preparation of the Government's legislative programme. In addition, my statutory functions in respect of the Central Statistics Office have been delegated to the Minister of State.

The responsibilities of the Minister of State, Deputy Calleary, within my Department are additional to those associated with his role as Minister of State at the Department of Enterprise, Trade and Innovation with responsibility for labour affairs. His new role allows him to co-ordinate the transformation effort across the public service with a view to creating a more integrated, customer-focused and fit-for-purpose public service.

Within my Department, the Minister of State, Deputy Roche, chairs an interdepartmental co-ordinating committee on European Union affairs. This committee keeps under review, and works to ensure coherence in respect of, the full range of issues on the EU's agenda. It has a particular focus on the correct and timely transposition of EU legislation. In addition, the Minister of State represents the Government at a wide range of EU and international meetings. The Minister of State also plays a central role in consolidating and further developing Ireland's bilateral relations with EU member states. Furthermore, he plays a key role in communicating the importance of the European Union to Ireland and fostering enhanced public understanding of EU issues.

Questions relating to the functions of particular Ministers of State at other Departments should be tabled to the relevant senior Ministers.

Deputy Enda Kenny: Which Minister of State has been given responsibility for the implementation of the national drugs strategy?

The Taoiseach: Responsibility in that regard now lies with the Minister for Community, Equality and Gaeltacht Affairs, Deputy Pat Carey.

Deputy Enda Kenny: The Minister of State, Deputy Curran, did have responsibility for implementing the strategy and I was not aware that said responsibility had been transferred to the Minister, Deputy Pat Carey.

Does the Minister of State, Deputy Calleary, have responsibility for the transformation of the public service and, if so, is he conducting negotiations in respect of the changes to be brought about under the terms of the Croke Park agreement? Is the Minister of State actively pursuing a strategy in order that when the review date arrives, the changes that have been made and the new ways of providing services that have been implemented can be identified?

Is the Minister of State, Deputy Curran, who has responsibility for Dáil reform, going to introduce proposals for changes to the way we operate prior to the end of the year? We have gone around in circles in respect of this matter on 40 occasions in recent times and nothing has changed.

Will that great Minister of State, Deputy Roche, who has responsibility for European affairs, be conducting the discussions with President Van Rompuy when he visits Ireland as part of his tour of the various member states? The purpose of these visits is to investigate with the various Governments the position regarding the establishment of a mechanism to prevent another serious default on sovereign debt within the Union. As the Taoiseach is aware, President Van Rompuy will be visiting all 27 member states. Will the Minister of State, Deputy Roche, be dealing with this matter or will it be the Taoiseach's responsibility?

The Taoiseach: The President of the Council deals primarily with Heads of State and Governments. In regard to the Minister of State, Deputy Calleary, he has responsibility for labour affairs, which is an important responsibility. As he also has departmental responsibilities in the Departments of Finance and the Taoiseach, it allows him to provide a cross-governmental approach to the public services transformation agenda. In regard to the Minister of State, a question has been tabled on the matter which he can answer.

Deputy Enda Kenny: Is the Minister of State, Deputy Calleary, dealing with the Croke Park agreement directly?

The Taoiseach: The Minister of State, Deputy Calleary, will deal with it in the context of the public service transformation agenda. Clearly the Croke Park agreement is an important part of that. Wider or more general social partnership discussions with stakeholders like ICTU or IBEC will continue to be dealt with by me and the Minister for Finance and will be attended, where appropriate, by the Minister of State.

Visit of House of Lords Delegation

An Ceann Comhairle: Before I call Deputy Gilmore, on my behalf and that of Members of Dáil Éireann I wish to offer céad míle fáilte and a most sincere welcome to Baroness Nicholson of Winterbourne, a member of the House of Lords. I hope she enjoys the visit and finds it pleasant and enjoyable in Leinster House.

Ceisteanna — Questions (Resumed)

An Ceann Comhairle: The House will resume on Question No. 6. Questions Nos. 6 to 8, inclusive, are being taken together.

Deputy Eamon Gilmore: On the day the Taoiseach nominated the Minister of State, Deputy Calleary, he stated he would have certain responsibilities with regard to the public service. He also announced the Government's intention to appoint a public service board which would include people from outside the public service with the appropriate experience and skills. Perhaps I missed it at some stage, but I do not recall seeing that the board had been appointed. Can the Taoiseach tell the House if the public service board has been appointed and, if so, who are its members?

The Taoiseach: That appointment is imminent.

Deputy Eamon Gilmore: It has been imminent for a while. When we asked the Taoiseach about this on 5 May last, he said the board had not been appointed and he was anxious to get through to it. At that stage he was waiting for the Croke Park agreement to be ratified. That has happened. Is it not an indication of the lack of urgency and seriousness about public service reform that a board that the Taoiseach promised——

An Ceann Comhairle: Deputy, you are anticipating a question later on. You are moving forward with undue haste.

Deputy Eamon Gilmore: I am dealing with the appointment. This announcement was made, together with the announcement of the appointment of the Minister of State, Deputy Calleary, who was given responsibility for the public service, which I was very glad to see, and it was to be backed up by having a public service board. At some stage the Taoiseach said he intended that the board would be made up of a majority of people from outside the public service. Can he tell the House when the board will be appointed?

The Taoiseach: I have recently signed off on the names.

Deputy Eamon Gilmore: Would the Taoiseach like to share the information?

The Taoiseach: I do not have the information. Until it is announced it would not be appropriate.

Deputy Eamon Gilmore: How many members will it have?

The Taoiseach: I do not have the details in front of me but I have spoken to the Minister of State, Deputy Calleary, about it and I have signed off on it.

Deputy Caoimhghín Ó Caoláin: The Minister of State, Deputy John Curran, who is also Chief Whip, came into the House last week to respond to a private notice question on the High Court findings of the day before regarding the by-election situation in Donegal South-West. On the three previous occasions that I attempted to progress a motion here to move the writ for Donegal South-West, the same Minister of State came into the House to respond on behalf of the Government.

I understand the role and responsibility for electoral matters rests with the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, the leader of the Green Party. There was most certainly surprise and not a little frustration that the Minister, Deputy

Gormley, did not present to take the private notice question last Thursday but could arrive quickly on its heels into the Chamber.

An Ceann Comhairle: Deputy, there must be another way to pursue this matter, perhaps through a parliamentary question directly to the line Minister.

Deputy Caoimhghín Ó Caoláin: I am pursuing a very valid question. Where in the brief of the Minister of State, Deputy Curran, does responsibility for electoral matters before this House rest? Nowhere in the job description or in anything that the Taoiseach has outlined to us here today would suggest that it is a function directly under his aegis. I would like an explanation relevant to these questions as to why it is the case that the Minister who has responsibility has patently failed to face up to it but can present in the House otherwise and why the Minister of State at the Department of the Taoiseach is performing this role over a protracted period.

The Taoiseach: The Government dealt with the private notice question which came before it and set out the Government's position. The Minister of State, Deputy Curran, has dealt with the specific matter since it was raised in the first instance in the House. He was in a position to give a full and explicit explanation. The Minister, Deputy Gormley, was not in a position to attend at that time. It was dealt with on a Government basis and the Minister of State concerned explained the matter in full, which is the purpose of a private notice question.

Deputy Caoimhghín Ó Caoláin: That is my question. The Taoiseach said he has dealt with it when it has been raised on each occasion but my question is why the Minister of State, Deputy Curran, was given that responsibility which does not fall under any portfolio responsibility which the Taoiseach has seconded to him or within his Department? It falls within the ambit of the Minister, Deputy Gormley, who has at all times absented himself from the Chamber, just as he has today. He has absented himself consistently in regard to these particular matters, yet last week we had a situation whereby immediately following the private notice question he could present here in regard to another electoral matter, namely, the Dublin mayoral issue. I find the situation difficult to understand.

An Ceann Comhairle: Deputy, there is far too much comment leading to your question.

Deputy Caoimhghín Ó Caoláin: Nothing in the Taoiseach's reply explains the situation in any way.

The Taoiseach: The question the Deputy asked succinctly was "Why". The reason was that the Government had not met. We had to meet regarding this matter, yet the question was taken despite the fact that the Government indicated that morning that it had to meet to consider the judgment. The Chief Whip was in the best position to explain the position, having been the person who was responsible for dealing with the moving of writs, which was the basis upon which the question was being asked. The insistence by Deputies on tabling a question before the Government had an opportunity to meet in order to find out what its view was on a High Court judgment, which was given that morning and which it had not yet had an opportunity to read or consider, has its own illogicality.

Deputy Caoimhghín Ó Caoláin: Was it not the case that on the one hand the Minister, Deputy Gormley, did not have the backbone to come here and face the issue and, equally, the Taoiseach did not have the confidence in him to take the issue because of the earlier pronouncements on the very same matter—

An Ceann Comhairle: We have spent an inordinate amount of time on this matter

Deputy Caoimhghín Ó Caoláin: —on the plinth by members of the Green Party some hours before the matter was addressed in the House and several hours before the supposed meeting at 5 p.m.?

The Taoiseach: No, the Deputy is wrong on both counts. He can make all the assertions he likes but he is wrong on both counts. The point was that he asked what the Government's position was on a judgment that had issued that morning before it had an opportunity to meet. The idea that the Government, the Minister, Deputy Gormley, or anyone else could come in and tell the House what the Government's position was before it had met seems premature.

Deputy Caoimhghín Ó Caoláin: It did not prevent him from speaking on the plinth outside.

The Taoiseach: It did not prevent the Deputy from speaking on the plinth outside the Four Courts either.

Deputy Caoimhghín Ó Caoláin: Let us get real. He is supposed to be the colleague leader in the coalition Government.

The Taoiseach: He is my colleague. He is a very good colleague.

Deputy Caoimhghín Ó Caoláin: The Taoiseach has confidence in him.

The Taoiseach: Absolutely, but I am making the point that the Deputy, in his exuberance, sought to come in here to demand of the Government what its position was before it had an opportunity to meet to discuss the issue. That was the problem the Deputy had and therefore the Minister of State at the Department of the Taoiseach—

Deputy Caoimhghín Ó Caoláin: The problem was not of our making.

The Taoiseach: —was in a position to state specifically that while the Deputy was asking the question, the Government was about to meet. We cannot give an answer until we consider it. I do not know how Deputy Ó Caoláin's operation works, but that is the way it works in a democratic Government anyway.

Deputy Caoimhghín Ó Caoláin: The Government cannot be forced to take a decision. Those are the facts.

The Taoiseach: Deputy Ó Caoláin usually gets a directive what to say.

An Ceann Comhairle: A brief supplementary, Deputy Kehoe. We are over time on questions.

The Taoiseach: Deputy Ó Caoláin gets a script.

Deputy Paul Kehoe: Dáil reform is one of the areas of responsibility for the Minister of State. The sub-committee on Dáil reform has not met since April of this year. Has the Taoiseach sought any updates on proposals for Dáil reform? It is something he has spoken about since he became Taoiseach. When can we expect proposals from the Taoiseach's side of the House because from both Labour and Fine Gael there has been a set of proposals put forward but they have not been listened to on any occasion?

Deputy Emmet Stagg: On the same issue,—

An Ceann Comhairle: Briefly, we are over time.

Deputy Emmet Stagg: The Dáil reform sub-committee of the Committee on Procedure and Privileges met on a number of occasions. The Government, or at least the Government representative, brought forward a proposal, as well as Fine Gael and Labour, but at the point where there might have been agreement the Taoiseach vetoed any further development on that and no further meetings have taken place.

Deputy Enda Kenny: The Taoiseach did not want it.

Deputy Emmet Stagg: The former Government Whip, who is now a Minister, had to tell us that he could not proceed any further.

An Ceann Comhairle: The issue of Dáil reform is being addressed in questions further down the Order Paper. We will move on to the Order of Business.

Deputy Paul Kehoe: We have asked the Taoiseach a question.

An Ceann Comhairle: Deputy Kehoe, the issue of Dáil——

Deputy Paul Kehoe: We have asked the Taoiseach.

The Taoiseach: The Ceann Comhairle has made the point. There is a question on the matter and it is being dealt with by the Minister of State.

Deputy Paul Kehoe: We asked the Taoiseach a question on Question Time here and he should have the manners to reply to us.

The Taoiseach: Actually, as the Ceann Comhairle indicated, Deputy Kehoe asked the question after exceeding the time.

Deputy Paul Kehoe: I did not put——

The Taoiseach: He indicated then——

Deputy Paul Kehoe: ——my question to the Taoiseach, I asked a supplementary.

The Taoiseach: No, but the Ceann Comhairle runs the House.

Deputy Paul Kehoe: I directed my question——

The Taoiseach: Outside the time.

An Ceann Comhairle: Deputy Kehoe, a question on Dáil reform should be——

Deputy Paul Kehoe: I ask the Taoiseach to answer my question.

The Taoiseach: There is a question tabled that will be answered.

Deputy Paul Kehoe: I directed my question to the Ceann Comhairle. If the Taoiseach had manners in the House, maybe we could get a reply.

An Ceann Comhairle: We are moving on to the Order of Business.

Deputy Paul Kehoe: Arrogance is what the Taoiseach and his Government has in its place.

An Ceann Comhairle: Deputy Kehoe, please.

Deputy Paul Kehoe: Complete arrogance.

An Ceann Comhairle: I call on the Taoiseach to announce the Order for today.

Deputy Emmet Stagg: I must have been right about that.

The Taoiseach: The party leader should have let the Deputy in sooner to ask the question, that was the problem.

Order of Business

The Taoiseach: The Order of Business is No. 12, Chemicals (Amendment) Bill 2010 — Order for Report, Report and Final Stages; No. 1, Property Services (Regulation) Bill 2009 [*Seanad*] — Second Stage (Resumed); and No.13, Education (Amendment) Bill 2010 — Second Stage (Resumed). Private Members' Business shall be No. 73, motion re Reform of structures of Government (Resumed), to conclude at 8.30 p.m. tonight, if not previously concluded.

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

Deputy Enda Kenny: I am sure some are glad about that.

I ask the Taoiseach about two Bills. The water services Bill, which is to remove the prohibition on charging for domestic water, is due to be published in 2011. Can the Taoiseach indicate when it is likely to be published? Will it be early 2011 or what is the story?

The second is the national vetting bureau Bill. It appears as if there is a substantial backlog in the vetting of persons to work with children and particular categories. The Taoiseach will be aware of this. He might be able to indicate what sort of priority is being given to producing this Bill.

The Taoiseach: The vetting Bill is being worked on as a matter of priority. I understand the other Bill mentioned by Deputy Kenny, the water services Bill, should be published next year.

Deputy Eamon Gilmore: I raise two matters. First, the Government is considering a new wording for the proposed referendum on children's rights but there was also a report from the Oireachtas committee chaired by Deputy O'Rourke approximately two years ago which recommended that legislation should be brought forward separate to the referendum as a matter of urgency. When will that legislation appear or has it lost priority in the Government's legislative timetable?

Second, a number of Deputies have at various times raised issues here about the difficulty that now arises because many of the questions which are tabled to the Minister for Health and Children are referred to the Health Service Executive.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Eamon Gilmore: It is a matter Deputy Durkan, in particular, has been raising as have some of my party colleagues. There is an article in one of the newspapers today stating that although the HSE had committed to giving replies to those queries within 15 days, less than half of the queries are now answered within that period of time.

An example of this was supplied to me by Deputy Quinn. It was a parliamentary question that he tabled here in February 2010. He got a reply on 9 February 2010 stating that as this was a service——

An Ceann Comhairle: There is a meeting of the Committee on Procedure and Privileges this evening and that is the appropriate place to address it.

Deputy Eamon Gilmore: Is this on the agenda?

An Ceann Comhairle: Deputy Gilmore's party Whip is a member of the Committee on Procedure and Privileges and I am sure he is well able to raise the matter at that forum.

Deputy Eamon Gilmore: Can I have the Ceann Comhairle's assurance that this matter will be dealt with?

Let me finish the point. I am sure there are other examples like this. Deputy Quinn tabled the question, which was replied to on 9 February last, stating it is a matter for the HSE but he only got a letter, dated 18 March, on 31 August. There are other examples of this.

Deputy James Reilly: It is the HSE.

Deputy Enda Kenny: Around the houses.

Deputy Eamon Gilmore: There is clearly a significant problem of accountability. I am glad to hear from the Ceann Comhairle that he himself will deal with it at the Committee of Procedure and Privileges. I will ask him again about it next week.

An Ceann Comhairle: We will move on to Deputy Ó Caoláin.

Deputy Eamon Gilmore: I asked questions.

An Ceann Comhairle: Go mo leithsceál, on the legislation.

The Taoiseach: I indicated.

Deputy Eamon Gilmore: I thank the Taoiseach. He defends my rights.

The Taoiseach: I never let Deputy Gilmore down. I will have to make further inquiries about the first matter.

Deputy Eamon Gilmore: I would say he would like to be the last to let me down all right.

The Taoiseach: Gently. On the legislation that Deputy Gilmore referred to recommended in the report, I must check on the status of that work and come back to him this afternoon. I do not have details before me on the matter he raised regarding a legislative proposal from Deputy O'Rourke's committee.

The matter of making replies more speedily available is one which has been raised by the Whip with the HSE. The agency has to revert to him and I have asked him to follow it up again quickly.

Deputy Caoimhghín Ó Caoláin: With regard to promised legislation by Independent Deputy Lowry, who supports the Government, enabling legislation will be produced shortly to facilitate the proposed casino development in County Tipperary. Can the Taoiseach advise if—

The Taoiseach: Sorry, what was that?

Deputy Caoimhghín Ó Caoláin: Deputy Lowry indicated that there would shortly be enabling legislation to facilitate proceeding with the proposed casino in County Tipperary.

An Ceann Comhairle: Is this promised legislation?

Deputy Caoimhghín Ó Caoláin: It is promised legislation.

An Ceann Comhairle: We will endeavour to establish that.

Deputy Caoimhghín Ó Caoláin: Surely it is from the same configuration of the current Government. Deputy Lowry is an integral part of this Government arrangement, as we have had confirmed earlier here in Question Time, and this is enabling legislation to allow for the casino proposal to proceed in County Tipperary. Can the Taoiseach indicate if enabling legislation is being prepared and when does he expect it to be published?

The Taoiseach: A report on this policy area generally has been prepared by the Department of Justice and Law Reform and forwarded to the Minister. There has been no discussion at Cabinet on it as yet because it is being considered by the Minister. The review of the legislation conducted is not in respect of any specific project. It is about updating legislation which is 50 years old as to whether it meets the current requirements in this area of law generally. Any proposal that would come from the Minister would be in the context of that policy review.

Deputy Caoimhghín Ó Caoláin: Would the Taoiseach agree that it need not be——

An Ceann Comhairle: We cannot have a detailed debate, just a brief inquiry about promised legislation. We must park the issue then.

Deputy Caoimhghín Ó Caoláin: ——specific or particular to any given proposal to fill the description of enabling legislation? If that is its purpose and intent, and if that is a by-product of its enactment,——

An Ceann Comhairle: We cannot have a detailed discussion about the legislation until it comes to the House.

Deputy Caoimhghín Ó Caoláin: ——will the Taoiseach confirm that this is what is in the offing in line with what Deputy Lowry indicated in public statements?

The Taoiseach: This issue is the subject matter of a report being considered by the Minister. If he is so minded, the Minister will have to draw up any proposals on it. In all of these matters, should a policy issue arise it will have to be dealt with transparently. It is not specific to any projects past, present or future, it is about a policy area that is under review on its own merits based on the present legislation. As the Deputy knows, private clubs are in place and we must ensure that the law deals with all of these issues. The question of further policy changes should be considered in the context of improved tourism and improved infrastructure. It will all have to be dealt with in a transparent manner and that will be the Minister's intention. There is no issue that is specific to any project, it is about the area generally.

Deputy Caoimhghín Ó Caoláin: When will the legislation be published?

The Taoiseach: In the first instance the Minister will consider the report and when he decides what he wishes to do it will be brought to Government. Then we will be in a position to know whether any legislation is involved. Let us take it step by step.

Deputy Pat Rabbitte: I doubt the casino will be before the election at this rate.

The Taoiseach: Cynicism will not get us out of trouble.

Deputy Billy Kelleher: A couple of loads of sand.

Deputy James Reilly: Prior to asking the Taoiseach on the specific legislation, I wish to ask him whether he is aware that until June this year hydrocortisone, which is a substance vital in treating so many life-threatening conditions, was available in this country at 96 cent for 30 tablets.

An Ceann Comhairle: The Deputy is promoting debate.

Deputy James Reilly: I am not promoting debate, I am informing the House before I ask a question.

An Ceann Comhairle: Very brief comments.

Deputy James Reilly: I was interrupted when I stood up, the Ceann Comhairle allowed me to go ahead and then interrupted me after ten seconds. We will stay with this for as long as it takes——

An Ceann Comhairle: I will allow the Deputy——

Deputy James Reilly: ——and I will get the message out.

Deputy Richard Bruton: Deputy Reilly is a shrinking violet and needs to be treated gently.

An Ceann Comhairle: The Deputy must tell us about what legislation he is inquiring.

Deputy James Reilly: I want this to be clear. After June, a monopoly was handed to an importer and the cost of the tablets has increased to €22. This is a 2,200% increase.

An Ceann Comhairle: The Deputy is promoting debate which is completely out of order on the Order of Business.

Deputy James Reilly: I want to know why the Government has not introduced the reference pricing for drugs Bill which would prevent this type of carry on. Why is the Government allowing this situation?

An Ceann Comhairle: The Deputy should get to the point and ask the question.

Deputy James Reilly: This amounts to a plunder of patients' pockets by a company that has sought to increase the price of the drug, which has been available for 40 years or more, by 2,200%.

An Ceann Comhairle: The Deputy is promoting discussion.

Deputy James Reilly: Where is the Competition Authority when it is wanted?

The Taoiseach: The heads of the Bill are in preparation.

Deputy Bernard J. Durkan: When is it intended to introduce legislation to provide for Ireland's membership of the IMF's new arrangements to borrow, known as NAB — I am sure the Ceann Comhairle will agree it is appropriately named in the present circumstances — and to make available Ireland's share to NAB by inserting a new chapter in the Taxes Consolidation Act 1997 to enable requests for recovery of taxes not received from a treaty partner to be acted on where provisions are included in our double taxation treaties? I have raised this issue previously. It is an appropriate and urgently required legislative measure in the present

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circumstances. Perhaps the Taoiseach might be able to update the House as to the progress taking place on its preparation.

The Taoiseach: The Deputy is referring to the international agreements Bill which is due next year. The Minister for Finance will take questions this afternoon on more specific matters.

Deputy Bernard J. Durkan: The national vetting bureau Bill has been deemed to be appropriate and urgently required legislation. It has been promised in the House for a long time and its publication is expected in 2011. This is hardly an indication of any great deal of urgency. Is it intended to bring it forward, perhaps before the end of the present session?

The Taoiseach: As I already stated, it is hoped the heads of the Bill will be available by the end of the year.

Deputy Bernard J. Durkan: An issue that has huge significance for this State is a Bill that has been promised for a long time, approximately 5 years, to provide for the regulation and assessment of legal costs.

The Taoiseach: As I stated on this matter last week, it will be next year.

Deputy Bernard J. Durkan: If that could be introduced——

An Ceann Comhairle: The Deputy may leave it for the moment.

Deputy Bernard J. Durkan: That is the problem. Unfortunately, it has been left too many moments and it goes on and on. In view of the high expenditure accruing from the various tribunals——

An Ceann Comhairle: The Deputy is promoting debate and debate cannot be allowed on the Order of Business.

Deputy Bernard J. Durkan: ——may I ask again that perhaps the Taoiseach might keep this in mind with a view bringing it to the House.

The Taoiseach: I will.

Deputy Bernard J. Durkan: I thank the Taoiseach.

Deputy Denis Naughten: I wish to ask about two separate issues, both regarding imminent legislation. The first is the postal services Bill which has to be enacted prior to 1 January 2011. From my estimation, there will be approximately only two weeks in the session when this legislation can be debated. Will the Taoiseach ensure the legislation is published immediately so we can at least have consultation on it in advance? Will he guarantee that the legislation will not be guillotined in the House?

The second legislative measure relates to ratification by the Government of the UN Convention on the Rights of People with Disabilities. To ratify this, we must pass the mental capacity Bill. Will the Taoiseach indicate whether it is the Government's intention to publish this legislation prior to the end of this year and the commencement of the next session? Will he return to the House to clarify that once this legislation is enacted it will then be possible to ratify the UN convention without further impediment?

The Taoiseach: The legislation, which is the mental capacity Bill, is the responsibility of the Department of Justice and Law Reform. The detailed provisions of the Bill are at an advanced

stage of drafting and it is expected that it will be published in the current Dáil session. Similarly, I understand the postal services Bill is at an advanced stage of preparation.

Deputy Denis Naughten: I accept that it is at an advanced stage. However, it must be enacted by 1 January 2011 and I am seeking clarification on when it will be published.

The Taoiseach: As soon as it comes to Government and is approved.

Deputy Denis Naughten: Once the finance issues are in motion in the House there will be only approximately two weeks during which this issue can be debated on the floor of the House. The legislation could be expedited and at least published so we can get consultation and discussion on the Bill before it is introduced to the House so that it will not be guillotined.

The Taoiseach: I know what the Deputy has to say and I will ask to see whether it is possible. We will publish it as soon as it comes and is approved by Government.

Deputy Denis Naughten: Will the Taoiseach come back with regard to ratification of the convention?

The Taoiseach: I will ask the Whips.

Deputy Emmet Stagg: With regard to Dáil reform and the legislation required for it, the Government has tabled an amendment to the Private Member's motion before the House this week which states it has put forward proposals for Dáil reform. It forgot to state the Taoiseach had vetoed the proposals which the Government put forward. On foot of this, perhaps there has been a change of mind at Government level on Dáil reform. Has the Taoiseach lifted the veto on the implementation of meetings about Dáil reform? Will a meeting of the Sub-Committee on Dáil Reform take place in the near future? It is under the chairmanship of the Chief Whip and Minister of State, Deputy John Curran.

The Taoiseach: These matters have been dealt with by the Minister of State, Deputy Curran. Questions have been tabled to him on it.

An Ceann Comhairle: This matter will be dealt with later today during Question Time. Dáil reform issues are down for answer later.

Deputy Richard Bruton: Under the Public Service Management Act 1997, every new Minister who takes up office is obliged to have a strategic plan for his or her Department within six months. That deadline has passed and none of the Departments to my knowledge, and certainly not the Department of Enterprise, Trade and Innovation which I shadow, has produced such a strategy statement. These are the bedrock on which we judge the performance of Ministers and their Departments. Why has the Taoiseach decided not to require these to be published, as is required by law?

Surely at this time of great crisis we need to see a clear strategy emerging from these new Ministers as to the direction they are trying to take.

An Ceann Comhairle: It might be better if the Deputy raised this matter at Question Time.

Deputy Richard Bruton: This is the Taoiseach's business——

The Taoiseach: Strategies are being pursued. I will inquire as to whether one is published but strategies are being intensively pursued by the Ministers concerned——

Deputy Richard Bruton: I beg the Ceann Comhairle's tolerance, I have been informed——

The Taoiseach: With regard to his Department, the Minister has been very active in a range of areas, including exports and job promotion which he has been quite successful in seeking to achieve as well as the change strategy.

Deputy Richard Bruton: I beg the Ceann Comhairle's indulgence in this matter.

An Ceann Comhairle: I would prefer if the Deputy would consider a parliamentary question to the line Minister concerned.

Deputy Richard Bruton: This is not a matter for a parliamentary question; this relates to the obligation of Ministers to set out for the Oireachtas the strategies they are pursuing. Ministers are obliged under the 1997 Act to do so within six months. I am informed that the Department of the Taoiseach has vetoed the publication of those strategies.

An Ceann Comhairle: The Deputy should pursue this matter through another avenue.

The Taoiseach: Why would I veto that?

Deputy Richard Bruton: That is what they are saying.

The Taoiseach: Who is saying that?

Deputy Richard Bruton: The Departments and the Taoiseach can guess which Department is involved. It is indicating that the Taoiseach has decided these strategy statements will not be published and that we will not have access. I ask the Taoiseach to clarify the position in writing to me.

The Taoiseach: Yes, I will clarify the issue.

Deputy Richard Bruton: I thank the Taoiseach.

Deputy James Bannon: With the Taoiseach and this Government very much in the departure lounge from which there is no return, I ask the Taoiseach if he will bring forward the noise nuisance Bill before the budget or before the end of this year. A serious problem exists with alarm bells and barking dogs causing great public nuisance and the local authorities are unable to deal with this issue because legislation is not in place.

The Taoiseach: Given the rather pejorative term used by Deputy Bannon in his introductory remarks, I am well minded to withdraw the noise nuisance Bill because Deputy Bannon's contribution to the House is probably as much as any statute could take.

Deputy James Bannon: It put the Taoiseach in his box some time ago.

Deputy Bernard J. Durkan: Concussion and even conclusions.

Deputy Enda Kenny: The Taoiseach should be fair to Deputy Bannon.

The Taoiseach: If he is fair to me, I will be fair to him. If he is unfair to me, I will give him a rattle. That is the way it works.

Deputy James Bannon: The Taoiseach of this country is a disgrace to Europe.

An Ceann Comhairle: Could we reduce the noise levels in the House, Deputy Bannon, please.

Deputy Enda Kenny: I want no abuse of Deputy Bannon.

An Ceann Comhairle: I call Deputy Costello.

Deputy Joe Costello: Yesterday Deputy Gilmore raised the issue of the Irish Human Rights Commission report on the Magdalene homes. The Taoiseach indicated he was referring the matter to the Attorney General for his opinion. Will the Taoiseach also refer the matter of the equivalent Protestant homes? The Magdalene homes were for mothers and children——

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

Deputy Joe Costello: This matter is very relevant——

An Ceann Comhairle: This matter was discussed on the Adjournment of the House last night.

Deputy Joe Costello: ——as it is being referred to the Attorney General. The equivalent of the Catholic Magdalene homes was the Protestant Bethany home. The same lack of supervision by the State also applied in Protestant homes. I ask the Taoiseach to also refer the matter of the Protestant homes to the Attorney General so that this vexed question can be dealt with once and for all.

An Ceann Comhairle: I suggest a parliamentary question on the matter.

Deputy Kathleen Lynch: The Ceann Comhairle was good enough to allow this issue to be raised last night on the Adjournment of the House.

An Ceann Comhairle: I am not planning a re-run of the matter now.

Deputy Kathleen Lynch: We would really appreciate it. Last night's reply, which was read by the Minister of State, Deputy Martin Mansergh on behalf of the Minister for Justice and Law Reform, was embarrassing. It caused great concern——

An Ceann Comhairle: We cannot revisit last night's Adjournment matter.

Deputy Kathleen Lynch: ——among the survivors of these institutions. I appeal to the Taoiseach to deal with this matter. I know if he reads the facts of this case he will take a different view.

An Ceann Comhairle: The Deputy will have to find another way to pursue the matter.

The Taoiseach: It is important that we should all be fair to one another in this House. I am aware that Deputies on all sides of the House have taken up this matter. A report arrived to the Department of Justice and Law Reform the night before last. The Government issued a statement yesterday on the report when it was brought to our attention. It is being referred for consideration. We had no prior involvement such as communication with the Departments concerned regarding the assessment report which was done by the Irish Human Rights Commission. The Government, therefore, must be given an opportunity to consider these matters. On the same day, Deputies tabled an Adjournment matter — which is their entitlement — which allows Deputies to continue to articulate their support for whatever case is being made and they then expect the Government to be in a position to give a considered reply, having only received the report. It is not fair to then say the Government's response caused concern. The Government has indicated by way of a press statement — which could not be added to by that evening — its position on this matter. We are having the matter considered by the relevant

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Departments and the Attorney General so that we can consider the issue. To do anything else would not be responsible.

Deputy Joe Costello: My question is complementary.

The Taoiseach: We have to consider the matter. To be fair to it, the Irish Human Rights Commission took some months to draw up the report and yet Government is accused of providing an unsatisfactory reply within 24 hours of receiving the report, not having had the opportunity——

Deputy Kathleen Lynch: This is not the first time the Taoiseach has heard about it.

The Taoiseach: ——to even consider it. The report was brought forward so we have to consider the report and its implications and issues.

Deputy Joan Burton: That is a nice patronising reply.

The Taoiseach: It is not patronising; I am far from being patronising.

An Ceann Comhairle: Please, Deputy Burton.

Deputy Joan Burton: This issue concerns elderly women. It is a pity it is not about bankers.

The Taoiseach: The Deputy and I could have a joust about it——

Deputy Joan Burton: The Taoiseach has known about this for two years.

The Taoiseach: Deputy Burton was a member of a Government which dealt with the Bridget McCole case, so no one is in a position to lecture. Advices have to be considered. This is what the Opposition did when in Government and it is what we also do. The Deputy may criticise but she should not accuse me of any less concern about issues than she has herself. I have a responsibility as leader of the Government to have the matter properly assessed and considered and this is happening. Denoting disappointment beyond that within 12 hours of a statement from Government to that effect would not be a fair assessment of its position. We have to assess the position now.

An Ceann Comhairle: We are not revisiting the matter. Deputy Costello had a good innings. He has heard the matter is being considered.

Deputy Joe Costello: The Taoiseach did not answer my question. I asked that at the same time as the report on the Catholic homes is being decided on——--

An Ceann Comhairle: We are on the Order of Business and we cannot allow a debate like this on the Order of Business.

Deputy Joe Costello: There are numerous reports on Protestant homes with the Department of Education and Skills. We need a decision on both because these people are very elderly and very few of them are left.

An Ceann Comhairle: The Deputy has made the point very well.

Deputy Joe Costello: If we do one now——

Deputy Joan Burton: It concerns a small group of very elderly people.

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

The Taoiseach: The assessment report will be considered and the implications of its application.

Deputy Joe Costello: Can it be done for all mother and child homes?

The Taoiseach: I ask Deputy Costello to please allow——

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

The Taoiseach: We cannot mutually respect one another if we are not allowed to assess the report. We will then see what is the situation. The Deputy cannot stand up in the House and without notice say the Government is now committed to a wider application of the report. We must first deal with the situation in front of us. The Irish Human Rights Commission took some months to deal with it. A particular group with a view brought this to the commission's attention. The commission did not decide to do a report itself under the human rights Acts.

Deputy Joe Costello: It did. The Taoiseach is factually incorrect.

An Ceann Comhairle: Please, Deputy Costello, I am not allowing a debate on this matter now.

The Taoiseach: It is not factually incorrect. I am on my feet now. Deputy Costello was on his feet and I listened to him.

An Ceann Comhairle: If Deputy Costello wishes a debate to pursue the matter he will have to find another way.

The Taoiseach: I responded a second time to the Deputy. He still insists on standing up. If we are not going to respect each other, why should I respond? An assessment report was done as a result of representations made by a group to the Irish Human Rights Commission. That assessment report has just been received. Deputy Costello now asks about other issues which are outside the ambit of the assessment report, even though the Irish Human Rights Commission had an opportunity to examine this for three months——

Deputy Joe Costello: The principle is the same.

The Taoiseach: I have not interrupted the Deputy. We will consider the report and the Attorney General will consider its implications for all Departments but this has to be based on the facts as established and the contents of the report. If the Deputy wants to talk about other issues he will have to raise them with the relevant Ministers by way of parliamentary question on notice, so he can have a considered reply and ask supplementary questions on the basis of further information being available.

Deputy Joe Costello: I have done it until I am blue in the face.

The Taoiseach: I cannot help the Deputy any further in regard to the matter at this point without further notice.

Deputy Michael D'Arcy: In the context of the Appropriation Bill and the reduction in the Estimates, a situation is arising at present in that the agencies which are connected to the Departments have undertaken no micro-analysis in regard to cost reductions.

An Ceann Comhairle: The Deputy is getting into detail. The Order of Business provides for questions. The Deputy cannot speak about the Bill at this point. He can ask the question about promised legislation.

Deputy Michael D'Arcy: I am asking the question.

An Ceann Comhairle: The Deputy is holding a debate on it before he asks the question.

Deputy Michael D'Arcy: I am asking the question, if the Ceann Comhairle will allow me. It seems to be the case that the Departments, Ministers and Secretaries General are not undertaking any analysis in regard to the longer-term effects of the reductions taking place at present. At the Committee of Public Accounts, I put this to one of the Secretaries General and to the Department of Finance——

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

Deputy Michael D'Arcy: I will be finished shortly, if the Ceann Comhairle will allow me. In regard to the reductions that are taking place, there has been no analysis of the future damage that could be done through these cuts. Academics have been employed by the IMF, the World Bank and the rating agencies——

An Ceann Comhairle: We are on the Order of Business. The Deputy is out of order. He should submit a parliamentary question on the matter. It seems an obvious way to go.

Deputy Michael D'Arcy: ——in this regard but there has been no micro-analysis by the Departments which are conducting the cuts. I ask the Taoiseach for his views as to why the Department——

An Ceann Comhairle: I ask the Deputy for his co-operation and respect for the call of the Chair.

Deputy Michael D'Arcy: ——is not conducting an analysis to ensure the damage done is not long-term and irretrievable.

An Ceann Comhairle: I call Deputy Rabbitte.

Deputy Michael D'Arcy: Can I have a response?

An Ceann Comhairle: The Deputy can submit a parliamentary question on the matter to the line Minister.

Deputy Michael D'Arcy: What about the Appropriation Bill and the reduction in the Estimates? It is promised legislation and I would like to have the Taoiseach's view on the position.

The Taoiseach: The Appropriation Bill will be after the budget.

Deputy Michael D'Arcy: That is no answer.

The Taoiseach: The question is not in order.

Deputy Pat Rabbitte: The Taoiseach told me some ten days ago that he would write to me in regard to when the Government intended to appoint the oversight committee of NAMA. Has he had a chance to consider the matter?

Given we are debating legislation we know we will never see under this Government, it is like the last days of the Roman Empire around here at present. Would it not be better for the Taoiseach to get into his car, go to the Áras and dissolve the Dáil, and let us return some certainty and confidence to the governance of this country?

The Taoiseach: I have made inquiries in regard to the oversight committee and I am awaiting a reply. I will ask that this would be expedited.

In regard to the question of providing certainty for the country, the Government is determined to bring forward a four-year plan and a budget that will be important for this country. If the Deputy believes, in the context of the scale of the challenges that face us at present, that a further election based on the divergence of policy that is emerging on the other side of the House would give us an outcome that would provide certainty, he is a better man than me.

Deputy Pat Rabbitte: I do so think. The Taoiseach is doing awful damage to the morale of the people——

The Taoiseach: I am not.

Deputy Pat Rabbitte: ——by hanging on to no manifest useful purpose.

An Ceann Comhairle: The Order of Business is concluded.

The Taoiseach: Those who are dropping the morale of the people are those who exaggerate the weaknesses in our economy and make no effort whatever to favour the national interest.

Deputy Pat Rabbitte: It is not possible to exaggerate the hole the Taoiseach has dug us into. One could not exaggerate it.

An Ceann Comhairle: Excuse me, Deputy Rabbitte. We are moving on.

Deputy Bernard J. Durkan: I hope the Taoiseach is not planning to hang on for another four years.

Chemicals (Amendment) Bill 2010: Order for Report Stage

Deputy Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary): I move: “That Report Stage be taken now.”

Question put and agreed to.

Chemicals (Amendment) Bill 2010: Report and Final Stages

Deputy Willie Penrose: I move amendment No. 1:

In page 5, lines 11 to 15, to delete all words from and including “(including” in line 11 down to and including “2007)” in line 15.

This issue is of fundamental importance. It has been a part of Labour Party policy for a significant number of years that amendments to primary legislation should be introduced through Bills that go before the Oireachtas, except in cases of extreme urgency. I appreciate this Bill has a degree of urgency but it is not of such extremity that we would permit amendments to primary legislation in the way which is to be effected through the format set out in the Bill.

The Government has for a long time pursued the opposite policy to that of the Labour Party and is creating even wider powers to make regulations and allow Acts to be amended with the

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stroke of a ministerial pen. I have a deep aversion to this practice. We need to halt the proliferation of powers to amend primary law through regulations and to ensure, in so far as is possible, that any amendments to primary law should come before the Oireachtas for debate and scrutiny. Very often, if legislation is amended in that fashion, widespread and significant implications that go beyond the tenor and thrust of the original legislation may slip into being. Laying legislation before the Oireachtas is one thing but permitting an appropriate and comprehensive debate which would permit it to be amended in whatever form is another.

We dealt with this in regard to the Diseases of Animals (Amendment) Bill in 2000 and 2001. While it has nothing to do with the Minister of State, Deputy Calleary, the Government gave a commitment that the 1966 Act would be amended and that codification and consolidation of the two Acts would take place. It never took place. Therefore, commitments given on the floor of the House may well be frank but they are less than wholesome in that everybody knows there is such pressure on the Parliamentary Counsel that, eventually, nothing happens. I particularly call to mind the Diseases of Animals (Amendment) Bill because I was deeply involved in it and put forward amendments that curtailed draconian measures that were to be implemented, although significant measures had to be implemented at the time in the national interest, on which we all agreed. It is of grave concern to me that an opportunity would be availed of to implement a measure that is remote from the original intention of the Bill.

It is in this context I move the amendment. It is to send a signal that enough is enough. If we were in Government tomorrow, perhaps that is how matters would still happen, which I accept. However, I have a deep aversion to this, as the Minister of State will be aware, having spent time in committee with me. Given the Labour Party motion is before the Dáil at this time — it was moved by the Leas-Cheann Comhairle on behalf of the party — this issue has to be taken on board in the context of ensuring the primacy of the Dáil in the introduction of the various legislative amendments. While it is easy to let them become merely a piece of paper and to nod them through, it is important that Members would get an opportunity to scrutinise and debate the issues. If we have to sit through the night, that will be done to ensure the will of the people is reflected in any measure that is brought forward.

I know the Minister of State would hold that view. He is introducing this Bill, although he may be going on to greater things and will leave this behind. I am sure the Minister of State will reply in his usual forthright fashion and say my concerns are not valid and are perhaps exaggerated. They are concerns, however, and he is not the first Minister or Minister of State to whom I have relayed them.

Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary): Deputy Penrose's concerns are certainly valid but they are catered for. As I said on Committee Stage, the checks and balances of the Oireachtas oversight of the regulations to be made under this Act are provided in section 36 of the primary Act, which requires and lays out that regulations and orders under that Act have to be laid before each House of the Oireachtas by the relevant Minister. Section 3B of this Bill has the effect of amending just one word of that Act by substituting "section" for "Act". The Office of the Parliamentary Counsel drafted this in such a way as to ensure the Act will be robust enough to enforce EU legislation on chemicals and to ensure the scope of regulation making powers under the Act cannot be extended. The scope is limited by section 5 of the principal Act and can only be changed by primary legislation. A Minister will only be empowered to make regulations where they are necessitated by a directive of the EU concerning chemicals. The limits to regulation making powers, which are provided for specifically in section 5(3)(a) of the principal Act and repeated

in section 3(b) of this Bill, make it clear that any regulations made cannot amend the European Communities Act.

Deputy Willie Penrose: The Minister of State made sure he came well armed to defeat my arguments on Report Stage, although I think I raise a valid point. I will be withdrawing my amendment because he made it clear that the principal Act ensures the writ does not run large in terms of implementing European legislation. We are supposed to have a significant role under the Lisbon treaty in terms of parliamentary scrutiny of directives before they are put on the Statute Book but I am not sure the system is particularly effective in practice. I am concerned that we would continue to have an input into decisions made at European level.

Amendment, by leave, withdrawn.

Bill received for final consideration and passed.

Property Services (Regulation) Bill 2009 [Seanad]: Second Stage (Resumed)

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

Deputy James Bannon: Is the Minister of State at the Department of Enterprise, Trade and Innovation, Deputy Calleary, taking the debate?

Deputy Dara Calleary: I am here to listen to the Deputy's every word.

An Leas-Cheann Comhairle: Deputy Bannon only has four minutes and I am afraid the time is passing.

Deputy James Bannon: I concluded last night on the spectre of ghost estates, which are a blight on the landscape and a reminder that the Government is out of control and lacking accountability. Many suggestions have been made regarding what should be done with these estates, as well as the politicians and developers who were driven to such excesses of greed. On a positive note, I ask the Government to consider offering an incentive to returning emigrants. Many of those who left the country in the 1980s now want to return to their places of birth. Perhaps a pilot scheme could be introduced in counties Longford, Westmeath, Roscommon and Leitrim involving stamp duty exemptions for a period of six months in order to encourage people to move from cities and towns, as opposed to the reverse.

Tax breaks for returning emigrants could also provide a much needed boost to rural economies. I am familiar with an individual who emigrated to England in the 1950s or 1960s and who returns on a weekly basis to a small cottage he purchased in my parish. Two of his family members have also returned to the parish and they now commute to London. At weekends and holidays, they spend their money in the local economy. I am sure this example is replicated in many other areas and it should be encouraged across the country. In my constituency of Longford-Westmeath, where the number of vacant housing units is larger than in other parts of the country, my proposal could result in a win-win situation for everybody.

Nobody wants to see ghost estates deteriorating to the point where the broken window theory becomes a living nightmare. If we do not do something, the graffiti and broken windows of today will become the crime and devastation of a virtual war zone tomorrow. Unless it intends to raze vacant housing units, the Government must be innovative in making good its mistakes.

Section 75(5)(a) of the Bill provides for the establishment of a compensation fund containing a minimum of €5 million by the end of a four year period. I am concerned about the undue financial burden this fund may have on some practitioners if it is not considered carefully.

[Deputy James Bannon.]

Given that no more than €150,000 has been paid out over the past 25 years as a result of malpractice by agents, the amount appears unduly large.

I welcome the provisions on insurance. The IAVI, which also welcomes these provisions, has pointed out that its members already comply with insurance industry standards on the control of their clients' money. While the Bill contains these and other welcome provisions, I hope the Government will take on board my party's amendments.

Deputy M. J. Nolan: I join previous speakers in welcoming the Property Services (Regulation) Bill 2009. Several years ago, I raised the issue of property services in the context of the debate on a Finance Bill. One of the difficulties in dealing with compelling Bills such as this is the slow and cumbersome procedures that must be followed to enact them. With advances in information technology, we should be able to find quicker ways of progressing urgent legislation through the Houses.

The Auctioneers and House Agents Act 1947, which is the principal legislation regulating the operations of auctioneers, was amended on only two occasions since it was enacted. The Bill before us has the support of the representative bodies for auctioneers and estate agents and it is only right that the public can expect improved policing and legislative support in the area of property and commercial sales.

During the boom, there was a significant increase in the number of individuals and companies managing housing and commercial developments but the laws on regulating them were sketchy. On a number of occasions, I became aware of cases in which individuals felt malpractice was taking place. They did not think their interests were being adequately addressed by these companies or individuals. They complained that no redress system was in place. I am pleased that this legislation covers that shortcoming by putting in place a redress system for those who have been at the wrong end of a deal in one way or another. The people I mentioned were also worried that no disciplinary procedure was in place for companies or individuals who were found guilty of wrongdoing.

Given that the Auctioneers and House Agents Act 1947 is outdated, as I have said, I am pleased that the Minister has taken on board most of the recommendations in the report on the regulation of the auctioneering profession, which was submitted to him by the auctioneering bodies some time ago. It is important that the bodies have welcomed this legislation. As the residential and commercial property sector is a vital part of our economy, it is important we have confidence in it.

There are over 1.5 million residential properties in the State. While the property market is flat, young people and first-time buyers, in particular, continue to have an opportunity to get into the market. They need to be protected by this legislation, which I hope will get a speedy passage through this House. It has already been passed by the Seanad. It is important that young people should have confidence in the legislation.

I was pleased to note that the Minister confirmed on Second Stage that he is prepared to take amendments. Some shortcomings in the Bill have been identified since its publication, for example, during the debate in the Seanad. The Minister has said he is prepared to accept amendments to the Bill.

The protection of clients' money in our existing legislation is inadequate. This area was crying out for reform change, but it is now covered in the Bill before the House. The regulatory authority will licence and control all entities providing auctioneering and estate agency services. The State should have had a more hands-on approach to this matter in the past. Thankfully, it now recognises the shortcomings in this regard and is taking action to remedy them.

Auctioneers and estate agents also need some protection. They will all have to be licensed now. The new regulatory authority will have significant control over the regulation of estate agents and auctioneers. The Bill before the House quite rightly also makes provision for an appeals structure. It provides for the establishment of a property services appeals board. Companies and individuals that have been refused licences under this legislation will have the right to appeal to the board. This will also apply to companies that previously held licences which were not renewed.

Other Deputies have spoken during this debate about ghost estates, which are causing problems throughout the country at present. Many auctioneering companies have been mandated to look after such estates. The accounts of many of the developers involved in ghost estates have been sent to the National Asset Management Agency, which therefore also has an interest in the matter. Those who propose to buy unfinished or completed houses in ghost estates need to be protected. The Property Services (Regulation) Bill 2009 will give them some form of protection.

Many individuals, particularly in the commercial area, are concerned about agreements in leases which provide that in many cases, rents may only be amended upwards after between five and ten years. This is wrong. It is causing hardship for companies and commercial operators, particularly in shopping centres. The problem seems to relate primarily to developers who built shopping centres, agreed leases with upward-only rent reviews and then developed other shopping centres which were not as successful. As a result, individual tenants and leaseholders in many of the existing shopping centres are having to pay for the mistakes of developers who over-stretched themselves in other areas. This is wrong. If this economy is to recover — I am confident that it will — we need to seriously examine our cost base. We have spoken about the need to reduce unit costs and become more competitive. This area needs to be considered in that context.

Over the last two years, perhaps because of the economic downturn, we have succeeded in ensuring our cost base has stabilised and fallen. We are becoming more competitive and starting to attract renewed interest from overseas direct investors. They are once more starting to see Ireland as a good country in which to invest. They know we have a competitive cost base. They can export competitively from here. However, the Government still needs to deal with the whole question of upward-only rent reviews. I am unsure whether legislation can be enacted to outlaw that arrangement. It is something we will have to look at. I ask the Minister to examine what can be done in the context of other legislation, if not this legislation.

The basis of this legislation — the Property Services (Regulation) Bill 2009 — is the control and supervision of the property services market. It is important that the definition of a “property service” is identified in section 2 of the legislation as:

- (a) the auction of property other than land,
- (b) the purchase or sale, by whatever means, of land,
- (c) the letting of land or
- (d) property management services

Anybody who is involved in such business will need a licence issued by the new National Property Services Regulatory Authority. The main functions of the authority will be to operate a comprehensive licensing system, covering auctioneers, letting agents and property management agents; and to set and enforce standards for the granting of licences. In other words, those working in this sector will need to have certain education and training standards in

[Deputy M. J. Nolan.]

order to operate professionally. The authority will ensure licensees have cover for professional indemnity and, importantly, observe certain standards in the provision of services. It will ensure such people have experience in the areas of auctioneering and estate agency. The authority will have to promote increased consumer protection and public awareness of property services in general. It will make sure that details of the cost to the consumer are available. It should be possible for customers to tell whether service providers are licensed.

During the good times of the past, there was a close relationship between bankers, auctioneers, solicitors and developers. While this was fine when the market was growing strongly, many individuals are suffering badly today as a result of the unprofessional advice on the property market they received from a number of sectors. I am aware many individuals who were comfortable financially and who were advised wrongly that they should borrow more than was good for them and get into the property market, something about which they knew little, and they are now suffering as a result.

I welcome the Bill and I hope it has a speedy passage through the House because we need this legislation on the Statute Book quickly.

Deputy Ulick Burke: I welcome this comprehensive Bill which is ambitious in so far as its sets out to control and supervise persons involved in property services and to improve standards. The vast majority of those engaged in the property industry such as estate agents and auctioneers and others who provided services were reputable and carried out their work in a professional way but, at the same time, others got involved when it was profitable and lucrative to do so and they generated a lucrative income. I would like to highlight the need for transparency, which is provided for in the legislation.

Everyone knows that in the past irregularities occurred in private treaty sales. Purchasers were misled in many instances and they had to pay much higher prices. This applied not only to homes, but also to land, leases and rental accommodation. I welcome very much the fact that we will have transparency. However, I must question how this will be guaranteed. The Minister will establish the authority and an appeals mechanism will be established but he must give a forceful indication that past practices will be consigned to history and will never happen again. A few years ago, gazumping was an issue. What happened in those cases? If one went into an auctioneer to purchase a property and asked for a day or a week to consider buying it, sometimes within hours, not days or weeks, the price had increased without any justification. It was unfair to many young people and that is why many young couples have mortgages they are unable to afford. They are having to default, which is a terrible tragedy. The finger of blame must be pointed at auctioneers and estate agents, particularly for their role in the early part of the boom in the construction industry. I hope the Minister will clearly identify this issue and insist that the authority makes all transactions transparent.

Departments are also to blame. Two years ago I identified a scandal in which the Department of Agriculture, Fisheries and Food had been knowingly ripped off on a lease in Galway for an office block to deliver services to farmers in the west. It has taken me the best part of two years to get 60% of the story through parliamentary questions. It is like torture extracting information about whether the need for a premises was advertised by the Department and whether there was a fair competition among all those who had premises to lease or if it was an insider job. I am beginning to believe it was, having seen the names of the owners of the office block that is being used. One of them works for Anglo Irish Bank and the other for Allied Irish Banks. To add insult to injury, as Deputy Nolan said, they were retrospectively granted another two years on the lease, which is unbelievable. Given the times we were living in, that may have worked but, sadly, the amount wasted by the Department in acquiring that property

was unbelievable. It acquired facilities far in excess of its needs and that should not have happened. I hope the Minister of State will bring this to the attention of the Minister for Justice and Law Reform to ensure a similar scenario does not arise again. Other new office blocks were available and the Department was ripped off in this instance. There was no transparency, sadly, even on the part of the Department. It is one thing for auctioneers and estate agents to conceal details but I have not been able to find out whether the lease was advertised or if an open competition took place. There has been no indication that it was open and I have never been granted information in this regard.

The Bill intends to provide for a central body to control and supervise the industry. I do not know where it will be located but, initially, the authority will comprise 11 members, some of whom will work part-time. At this stage, I would have expected us to have moved on from the days when a Minister made all the appointments to such a body. This authority will probably be one of most important established this decade, given its responsibilities following what happened with regard to property sales. The Minister says the authority will be independent and I will take his word for it, but if he appoints all the members based on their experience, education and qualifications, he will leave the door open to criticism about its independence. How independent can an authority be? I do not know how the Minister can justify the authority and the appeals mechanism. Who will be appointed to oversee the appeals mechanism? How independent will they be?

There is an appeals mechanism in the Department of Agriculture, Fisheries and Food and when people are not satisfied with the outcome of an appeal, they then take their case to other departmental officials. How can an official be expected to give a biased decision against one of his own colleagues? That does not happen and that is why the appeals mechanism provided for in this legislation must be independent and it must have the teeth and power to make decisions, irrespective of the membership of the authority since their decisions will be under appeal.

It is important there be a change from the old mechanism of granting auctioneering licences and estate agents' licences. Any person who has been in court on the day auctioneering licences have been renewed would be aware that luckily officials from the Revenue Commissioners would be present to provide information that the applicant seeking a licence renewal was held in good financial standing at that given time and then the solicitor representing the applicant would deliver further information to the court. It seems the process was a rubber-stamp exercise. With no disrespect to the courts, many applicants got through the net in those instances who because of their previous records should not have gotten through. There was no authority in place to monitor standards and decide that X, Y or Z was not entitled to a licence. I do not know the number of licence applications by auctioneers and others that have been refused by the courts other than in circumstances where outrageous decisions were made by those people.

Now that the Minister has arrived, I note he proposes to appoint 11 members to the authority and that he will select them. I presume he will do so on the basis of experience. Will those people be required to be dissociated or not tied in any way to auctioneering businesses or to the sales area? People in many of the agencies in this area previously would have been closely identified with the auctioneering business; I refer to people the Minister could identify in this respect but I am not saying he identified them in the past. It is important the Minister dissociates himself from that and gets the best professional people available who can make judgments, supervise and exercise control over auctioneers applying for licences. It is important that licences be granted by the authority.

I was surprised to learn that an interim body which does not have statutory powers has been in place. Will the Minister advise the House what work it has done to date? Did it monitor,

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supervise or control any aspect of the auctioneering business and the people and companies involved in it?

A difficulty has arisen in terms of what management boards are doing in certain areas. It is regrettable that many local authorities throughout the country for some reason best known to themselves, by accident or design, included in planning housing estates in small villages and towns, which proliferated throughout the country, as being under the remit of management bodies. Certainly in rural areas that has led to the collapse of sales. A purchaser would have approached an auctioneer and agreed a house sale and that case was then passed to the solicitor to deal with the legal end of transaction, but the solicitor would have immediately said “stop the lights” that he or she could not proceed with it because of the existence of the management company. Whether the management company represented the developer or a voluntary group, it did not make any difference to the purchaser but the fact that it was in place and was unnecessary led to the failure of many sales. Serious opposition to such management companies has been expressed by purchasers within an estate who did not want to be part of this set up because of the difficulties involved in it and no benefits derived from being part of it for the tenants or purchasers of houses in an estate, a flat complex or commercial premises.

Where management companies were in place in areas where commercial premises in County Galway were flooded during the bad weather last November and December, such companies could not be activated; they took no responsibility for the damage done in the first instance or for the fact that flooding occurred and damage was done to premises, property and installations and appliances within offices. That happened extensively and one would have to ask what is the role of such management companies. When the Minister next examines the Bill I hope he will note that some management groups and companies that were put in place may have been inadvertently included by planners not realising the outcome of their inclusion at a later date. I hope he will review that with a view to releasing or lifting such provision where it is agreed by the developer and or the tenants and purchasers of properties.

I welcome the Bill and what it seeks to achieve. Why is it the Minister’s intention, by regulation, to stagger the implementation of the measures covering issues in the Bill? Why are all the measures not being included on a one-off basis? Has the Minister decided where the authority will be based? If it is to be based in a central location, how does he expect it to exercise control over and give advice to auctioneers as far north as Donegal and as far south as Kerry and to those located in places in between?

Deputy John Browne: I would like to make a few brief comments on the Bill, which I welcome. The Minister, Deputy Dermot Ahern, and his officials have given a great deal of thought to its implementation. Its origins derive from a report containing 43 or 44 recommendations. That report was worthwhile at the time and the Minister is implementing some of its recommendations. We have all seen how the property boom has affected some of the regulations covering auctioneering, solicitors and other related areas. The Irish property market covers a wide area ranging from sales, purchases, financing, letting transactions involving land, commercial and industry property and domestic dwellings. Any Bill would have to reflect the different views of interests in all those areas.

We have heard of many difficulties clients have encountered in purchasing property, particularly when prices were increasing on a regular basis. There was the phenomenon of gazumping, to which previous speakers referred, where a potential purchaser had practically agreed a purchase price with an auctioneer and on returning an hour later to complete the purchase agreement he or she learned that another potential purchaser has offered an alleged increased price and one party was played against the other; as a result of that the price of houses, in

particular, escalated out of all proportion. We also saw a proliferation of auctioneers setting up businesses in every town and village throughout the country but most of them have now ceased trading.

We have returned to a position whereby only what we would describe as long-term auctioneers, that is, those who have been part and parcel of every town and city for many years, remain. They have stood the test of time. This area required legislation and further consideration will be necessary in future to ensure we do not return to the bad old days of recent years.

I do not know how the Minister proposes to address the issue of mortgage brokers, on which I ask him to comment. The number of mortgage brokers being established proliferated for a time. Some of them made life difficult for people by securing loans which the borrowers had no chance of repaying. All Deputies are being contacted by people who cannot make loan repayments of €1,200, €1,300 and €1,400 per month because their mortgages were secured on the basis of false details of income. This falsification occurred to ensure the banks provided a loan. A tight regime will be needed to govern this area.

While much of the blame for the problem I describe lies with the banks, much of the documentation presented to the banks did not reflect the earnings of mortgage applicants, many of whom find themselves in serious difficulty as they try to repay the loans. I wonder how decisions taken by banks to issue loans that were based on false details of income would stand up legally. This matter must be addressed to ensure such circumstances do not arise in future.

In many cases, people who have leased buildings or rented houses encounter difficulties when they seek to have their deposit returned. The landlord of the building or house frequently finds a flimsy excuse, damage to paintwork for instance, to avoid refunding the deposit. This is an area of major concern which must be addressed.

Speakers referred to ghost estates, an issue that has become a popular topic of conversation. How did the powers that be arrive at the recent figure on the number of ghost estates cited in newspaper reports? It appears they included holiday homes in the figures. Holiday homes do not belong in this category because their owners visit their properties at weekends, in holiday periods and at other times of the year. They should not be included in figures on ghost estates. In small villages such as Kilmuckridge and Curracloe and in the magnificent village of Rosslare, one finds that those who come at weekends and various other times of the year spend a great deal of money and usually visit local pubs, hotels and shops. I would be concerned, therefore, if it were to transpire that this group had been included in the figure on ghost estates.

The figures reported also appear to have included estates that are almost complete. This week, the local newspaper in my home town reported that residents of Madeira Grove are up in arms because their estate has been described as a ghost estate. I understand there are 200 families living in the practically finished estate and its residents are very happy with the contractor.

Local authorities are having great difficulty drawing down bonds which were paid over by builders who have since gone bust. Wexford County Council is experiencing serious difficulty as it seeks to draw down bonds to complete estates in Enniscorthy and throughout the county. Some of the bonds are held by insurance companies which are making it difficult for county councils to access the money. As a result, roads in estates are not being finished and local authorities are trying to find moneys they do not have to try to complete estates in the interests of residents. The issue of bonds, including the amounts involved and the ability to draw them down to enable local residents to have their estates finished, must be addressed.

I welcome the Bill. It replaces the current system for regulating auctioneers and house agents which is operated by the District Court with an updated system to be operated by a new

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statutory body, the property services regulatory authority. I ask the Minister to signal which type of individuals he intends to appoint to the new authority. Will they be professionals, people with a legal background or individuals with common sense? Sometimes the professionals appointed to State boards and bodies do not have much common sense. It is important that the appointees have experience of property services and the manner in which bodies of this nature should operate. I ask the Minister to comment.

The Bill also provides for improved consumer protection by establishing a system for investigating and adjudicating on complaints relating to the provision of property services and a property services compensation fund. While these are important developments, many existing bodies take too long to investigate and adjudicate on complaints. The Minister should impose time limits on the investigation of complaints. Some of the departmental bodies with which I deal are slow and cumbersome and people usually become tired waiting for investigations to conclude and compensation to be paid. Time constraints are necessary for this reason.

The legislation extends the licensing system to property management agents and extends statutory safeguards to the clients of such agents. It is an important element in the Government's strategy to address problems arising from the management and governance of multi-unit developments, which are another important area. The main functions of the property services regulatory authority will be to operate a comprehensive licensing system, set and enforce standards, establish and administer a system of investigation, promote increased consumer awareness and protection and establish, maintain and administer the property services compensation fund. These are all worthwhile and laudable functions and it is important that the authority is established as quickly as possible.

I ask the Minister to address the issues Deputies have raised. We must ensure there is no repeat of the mistakes of the past. I refer to the proliferation of mortgage broker companies which quickly went out of business, the practice of gazumping and the continuous increase in rents. Even now, while some commercial and residential rents have decreased, other landlords are trying to buck the system by maintaining rents at high levels or increasing them. This is an area of concern.

I welcome the Bill and hope it will pass all Stages quickly. I also hope the Minister will accept some of the suggestions and amendments that will be proposed, as he signalled he will.

Deputy Thomas P. Broughan: I also welcome the Bill on which the House has waited for the best part of 13 years. We needed a property services regulatory authority in recent decades. That this legislation has arrived in the dying days of the Government provides a poor commentary on how government operates. We also had to wait for more than a decade for the Multi-unit Developments Bill, the second element of the overall legislation on the property sector, with which the House has finally begun to deal.

I raised issues related to these matters with the former Taoiseach, Deputy Bertie Ahern, on 60, 70 or 80 occasions. Deputies on this side were repeatedly informed that legislation was pending or being prepared. They went through a huge saga about the difficulties of preparing legislation on property management or sales because of the Constitution and that constitutional prohibitions made it nearly impossible to bring forward legislation. The reality was that the landlord, auctioneer and estate agent sector of the economy was heavily involved in the Fianna Fáil Party. It was a core element of Fianna Fáil as it evolved in the 1980s and 1990s and the former Taoiseach, Deputy Bertie Ahern, had no intention of bringing in either legislative item on his watch. It is regrettable that Members have been obliged to wait for so long, that this has allowed a key element of the combustion that produced our current economic bankruptcy to take place and that the Government absolutely refused to bring forward necessary legis-

lation. Now, the horse having bolted to some extent, the Government has come forward in its dying days with this key legislation.

In the period from the late 1990s until perhaps 18 months to two years ago, the Irish property market experienced a massive explosion in prices. Much of that explosion was ruthlessly driven by estate agents, auctioneers and landlords. They ruthlessly and without the slightest sense of decency or feeling for those who were homeless or who needed accommodation, sucked the marrow from the bone. They ruthlessly chased every euro that could be had. In my own constituency, the arrival of the Sherry FitzGerald auctioneering company suddenly led to an amazing explosion in, and doubling of, prices. The prices increased week after week by €5,000 or €10,000 and each time one read a property supplement, a new price increase was evident.

The Government of which the Minister, Deputy Dermot Ahern, is a member simply stood there watching this happen and refused to take action. For example, it knew that gazumping was widespread and that some auctioneers were representing both the buyer and the seller against all principles of proper legal administration. The Government knew the building regulations had been abandoned to self-regulation. Consequently, young couples in particular who were forming households could not get key information on the structures for which they were paying perhaps €300,000 to €500,000 and on which they took out crucifying and back-breaking mortgages of €300,000 to €400,000, which they would be obliged to try to pay back. The Government allowed all this to take place over those years in a most disgraceful fashion. Finally, now that the market has collapsed and even some auctioneering and estate agent companies have gone out of business, the Government is introducing what I agree is a commendable property regulatory authority.

In addition, a huge role was played in this disaster by the national newspapers and in particular by the Independent group and *The Irish Times*. Each Thursday and Friday witnessed the astonishing sight of these two national newspapers producing a property supplement that was bigger than the actual newspaper itself. This was taken for granted each Thursday and Friday week after week and month after month. Moreover, these so-called property supplements contained articles that presumably were written by workers who regarded themselves as journalists. However, they were incredible puff pieces and peacocks of praise to estates built in the middle of nowhere or with no services or with no public transport. This took place week after week. Approximately one year ago, I asked Professor John Horgan whether he would investigate the role of the aforementioned two national newspapers in particular in fanning the flames of the gazumping and the disaster in the auctioneering profession. He of course replied that this was not a matter for the Press Ombudsman as it was not part of its remit to investigate such matters and that it could not be done. I note Members are being lectured on a daily basis by journalists, who worked for those two organisations, about the economy and on how the country will get through the next year.

Deputy Dermot Ahern: Hear, hear. Absolutely.

Deputy Thomas P. Broughan: However, with one or two exceptions, the same journalists have hardly ever mentioned that their colleagues and the owners of their newspapers played a huge role in what has come to pass with the effective collapse of our fiscal position. This point must be noted and should be examined because either there is journalism or there is not. Journalism should be about giving the real facts about, for example, a housing development. It should ask whether it is a good housing development, whether it is well built or whether it could contain defective materials. However, there was no such investigation. People looked the other way but now, while Members try to pick up the pieces, some of those who were around

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in those days and who wrote on national politics and issues claim it had nothing to do with them. Nevertheless, it played a huge role in fanning the flames of what happened in the auctioneering profession. While this matter still requires examination, I welcome the belated beginning of the process to establish a property services regulatory authority.

I note that my colleague, Deputy Rabbitte, drew attention to the authority in the context of the exact manner in which the elimination of anti-competitive practices will be pursued in the future and I presume the regulator will have the final say in this regard. The Minister should return to the issue of how to ensure the prevention of a happy cartel of three or four auctioneering firms in a particular locality that decide what should be the price levels. The Minister must tease out this issue of anti-competitive practices in his response to the debate on the Bill in this House although I acknowledge it has passed through the Seanad.

In addition, the dearth of information has been a key problem for purchasers or renters of homes over the years. Again, the Minister should respond with regard to rents and to house prices. In future, will a register of all property sales be in place? My understanding from a quick reading of the Bill is that this does not appear to be the case. However, it clearly is critical for ordinary citizens to establish market level prices. In particular, it will be critical for people trying to establish their first home to know the facts and to know what are the market prices. It should not be a big secret or something that can be created, as was the bubble by a group of auctioneers aided and abetted by various newspapers. Will such a clear register of all property transactions be put in place? Will there be a clear register of rents or must such a measure await implementation by the Labour Party in the next Government? This is a key element the Government has not addressed.

The Minister is aware that my constituency of Dublin North-East contains what essentially is a planned new city of perhaps 50,000 people or more, namely, the north fringe. Its territory extends across the entire north side of Dublin city from Finglas across to my constituency on the coast. At present, because of the problems to which I referred earlier, the future development of the north fringe is on a knife edge. Perhaps 20% to 25% of the planned homes have been built in some parts of the area, such as Clongriffin, Belmayne, Burnell and The Coast in Baldoyle. There are tracts of derelict land where there is some development on one side while in field after field the soil has been stripped off but the land left derelict. A range of services, such as a health centre and supermarket, was planned for the area but they have simply not happened.

We are still trying to chase some of the problems that have emerged in the development. Worst of all, this area was gravely affected by the pyrite disaster. Between 2000 and 2007, because there was no invigilation of building regulations, a large number of homes were damaged by in-fill containing too great a proportion of pyrite. For that reason, I welcome the fact that the beginnings of an agreement was arrived at yesterday in the Commercial Court between Menolly Homes and Lagan Construction regarding the remediation of, perhaps, 500 homes in Drynam Hall in Kinsealy, The Coast in Baldoyle and Beaupark in Clongriffin. I understand a fund of up to €40 million is being created and efforts will be made to liaise with the legal representatives of householders to reach a long-term agreement for the repair of those homes. It has been claimed — I said it myself in this House — that up to 20,000 housing units in the north fringe, Fingal, Meath, Louth and a large part of north Leinster may be affected by pyrite damage. This results from the lack of regulation by the Government during the property boom. The agreement is welcome. Thanks to the work of the High Court, we now have the beginnings of an agreement for the remediation of these 500 homes in the north fringe.

The great distress that householders in the north fringe have suffered takes us back to the business before the House today. At long last, we are trying to create a regulator for the property market. In The Coast in Baldoyle, there are apartment complexes for which the local authority refuses to give a fire certificate and in parts of the estates there is a range of other problems. Much of this can be traced back to the failure of the Government to bring forward the requisite legislation.

I welcome the Bill. We need to examine again the issues relating to competition, pricing and rental agreements. It is deplorable that it is only when the Government is past the 11th hour of its life that it is finally bringing in legislation to establish a reasonable and fair regulation of the property sector. It is better late than never but this is another area where the Government badly failed the country and another reason we need to have a new Government as soon as possible.

Deputy Bernard J. Durkan: I am glad to have an opportunity to speak on this legislation. I welcome its coming to the House, albeit after a very protracted gestation period. No subject will generate more discussion at the present time than this one.

The Building Control Act, which passed some years ago, was supposed to control, regulate and ensure development took place in an orderly fashion and that consumers and householders, whether renting or purchasing, were protected. Unfortunately, that did not happen. Nor does it happen yet. The economic circumstances that have overtaken the country make the position even worse for those concerned.

I will make one reference to the national house building guarantee scheme, which used to protect house owners. It is ineffective. With regard to the pyrite referred to by Deputy Broughan, it does not work beyond a certain point. People who have been affected by that plague are faced with the responsibility of rebuilding their houses from the ground up. In the 1980s, when we were less developed than at present, it was possible for the house building guarantee scheme to cover, in its entirety, any reconstruction work that had to take place in a house.

I was looking at some houses in my own constituency recently. Someone suggested that they did not need to be rebuilt because the side walls had been pushed out by only an inch and a half or thereabouts and that a little plaster or mortar would be sufficient. Unfortunately, that kind of nonsense only deludes us. We should not allow the public to be deluded and conned by that kind of nonsense.

I cannot believe that some of the things that happened during the boom period have gone unchallenged, with no recompense to the consumer. I cannot understand why properties were sold by agents of one kind or another to unsuspecting members of the public. Purchasers approached financial institutions seeking money to buy properties, having been assured by their legal representatives and estate agents that they were sound. The financial institutions asked only how much did the purchaser want. There was no limit on the sums being borrowed. The problems would then emerge. Perhaps a series of planning applications had been refused and planning permission was not possible. The purchaser was then stuck with a useless property. There are many cases of people who are stuck on landlocked sites or on land that, for one reason or another, is incapable of taking development. What happens? Nothing. Many of these cases have been in the courts. I have been to court on many occasions to see what was happening. This is appalling and the Minister must be aware of it.

I am not sure that any recompense is going to come to those people by way of this legislation. As sure as one door is closed someone will open another, find a loophole and do the same

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thing to a new group of unsuspecting people who have not been conned yet but who are just about to be.

The measures contained in the Bill are fine. The question is will they work and how soon will they address the issues to which other Members have already referred?

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

Ceisteanna — Questions (Resumed)

Priority Questions

Budgetary Outlook

46. **Deputy Michael Noonan** asked the Minister for Finance when he became aware that a budgetary adjustment of €7.5 billion in the next four budgets was insufficient to restore confidence in the bond markets; and if he will make a statement on the matter. [41891/10]

Minister for Finance (Deputy Brian Lenihan): Our expenditure is well in excess of our revenues and this gap, currently being filled by borrowing, needs to be reduced to a sustainable level. This is not just to ensure we retain market confidence but also because it is sensible economic policy. The more we borrow, the higher the cost of servicing our debt and the fewer resources we have to direct elsewhere. My Department monitors continually the economic and budgetary position and data are constantly being assessed as they emerge. In this regard, I am kept fully informed of emerging trends. Based on data that became available over the summer months, in addition to second-quarter economic data published by the CSO in September, which were disappointing, a downward revision of future growth prospects was warranted.

With regard to when I became aware that a larger adjustment than that signalled at budget time last year might be necessary, this gradually became clearer as more economic data emerged. This development, coupled with the clarification on 30 September of the extent of support required for the banking sector and a further refinement of economic forecasts, led to a strengthening of the view that additional consolidation would be required if the 3% deficit target were to be achieved by 2014.

I outlined in my statement on banking in this House on 30 September that the Government's commitment to adhering to the 3% of GDP deficit reduction target by 2014 had not changed and I made it clear that we would make an additional significant consolidation effort in 2011 over and above the already announced target of €3 billion. As the Deputy is aware, towards the end of October I announced that an overall adjustment of €15 billion over the next four years is warranted to achieve the target deficit of 3% of GDP by 2014. During October, my officials briefed Opposition spokespersons on the emerging trends based on various economic and budgetary scenarios. Furthermore, my Department set out last week the up-to-date economic and budgetary position including the scale of the 2011 adjustment and the likely annual breakdown based on current assessments.

Achieving, in a fair and sensible manner, the necessary next step in the multi-annual adjustment is what Government is now focusing upon and we will publish our four-year budgetary plan later in the month.

Deputy Michael Noonan: Until approximately five weeks ago, the Minister was holding to the €7.5 billion correction. Then, like a thunder clap, it jumped to €15 billion. He is now telling us for the first time he saw the emerging trends over the summer and was coming around to forming a firm opinion when the CSO figures became available in September. Did it ever strike him that he should have shared this information with the House and public rather than making a sudden announcement as if he had only discovered the requirement over the Corn Flakes in the morning?

Deputy Brian Lenihan: The reason behind the increase in the consolidation required is outlined in the information note on the economic and budgetary outlook Deputy Noonan received last week. It was published last week. The main reason is a smaller economy with lower than expected levels of nominal growth. I was certainly not prepared to suddenly announce a departure from the existing target without the most careful reflection on all the emerging economic data. I made that point clear on Question Time on the last occasion.

Deputy Michael Noonan: Does the Minister recall the infamous meeting in Galway, which I believe is in the annals of political history for reasons other than those to which I refer? On his arrival in Galway, the Minister said he believed the correction of €3 billion, bringing the figure of €7.5 billion to more than €11 billion, was a minimum. It now transpires the Minister was forming a view at that time that he would have to double the figure and did not tell anybody. He seems to be working on the basis of telling us he is sharing information with the Opposition, yet every time we take his figures at face value, they change.

We found out yesterday that a correction that was an absolute given, the €7.5 billion correction, will now have to be in the order of €15 billion.

Deputy Brian Lenihan: Yesterday?

Deputy Michael Noonan: Yes. We found out yesterday that it is no longer a given but another moveable feast. It was presented to us as an absolute certainty yesterday that the correction over four years would be €15 billion. We have been working on this information. Furthermore, there was an attempt to browbeat the Opposition into agreeing to the figure. We met the Commissioner yesterday and he said new arrangements in Europe are such that growth rates must be assessed annually and that the figure of €15 billion must be renegotiated with the Irish Government annually. It could go up or down. Our first revision will be on 29 November, which is three weeks away. The body language I noted was that the Commissioner might be marking it down on that date. How can the Minister come in here with his innocent demeanour and give us assurances when every time he does so the figures move within a couple of days?

Deputy Brian Lenihan: Every time the Deputy refers to body language on the part of officials or Commissioners, I become suspicious. Body language is used here as a cover for the substitution of the Deputy's opinion. He drew an inference from the Commissioner's body language and did something similar in regard to his encounter with my officials. He inferred from their body language that they wanted a greater adjustment than €6 billion and that they wanted one of €7 billion at the time in question. The Deputy should not infer anything from body language.

As far as the forecasts are concerned, forecasts are just forecasts. The original stability and growth plan and original €7.5 billion target were agreed with the Commission. When I spoke in Galway — the Deputy referred to an interview I did when I arrived there — I made it clear the figure was a minimum figure and that it was agreed with the Commission. The figure of €6 billion is also the current figure and is agreed with the Commission as the appropriate front-

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loading value for next year. The figure of €15 billion is our best assessment of the central case scenario over the four-year period. We are planning on that basis and, clearly, we will discuss the plan with the Commission in due course when the Government has concluded its deliberations. Any figures the Commission intends to publish on 29 November, of course, will be consistent with the plan.

Deputy Michael Noonan: We will know the Commission's estimate of Irish growth on 29 November and we will not have to look at the runes or body language. The Minister's officials told me and my colleagues categorically that the correction they were seeking was €7 billion for 2011. That can be supported by the briefing they gave to other parties, who were briefed separately. The officials withdrew that figure afterwards under political pressure from the Government, including the Minister for Finance. I will repeat this inside and outside the House and take on any of them any day. The Minister should not have put pressure on his civil servants because we went to the Department of Finance to be briefed on the basis that the information given would not be filtered through the political side, in other words, by the Minister and his office. We found out subsequently that it was being filtered by him and his office because it was he who authorised the press statement that rebutted my figure, not the Secretary General of the Department of Finance.

Deputy Brian Lenihan: These are sensitive matters.

Deputy Michael Noonan: It is not sensitive. The Minister should not stand up here and lie about my position.

Deputy Brian Lenihan: My officials outlined to the Deputy three different scenarios.

Deputy Michael Noonan: That is not correct.

Deputy Brian Lenihan: When it was put to him that they preferred one, he referred to body language as the basis for his conviction.

Deputy Michael Noonan: I did not.

Deputy Brian Lenihan: The Deputy did.

Deputy Michael Noonan: The told me categorically what was the adjustment.

Deputy Brian Lenihan: That is the position. There was no political pressure exerted.

Deputy Michael Noonan: The Minister behaved disgracefully. He interfered——

An Leas-Cheann Comhairle: The Deputy should allow the Minister to conclude.

Deputy Brian Lenihan: If the Deputy speaks to my officials, he will find no such direction.

Deputy Michael Noonan: I am speaking to the Minister.

Deputy Brian Lenihan: He will find no such direction.

Deputy Michael Noonan: Who authorised the press statement?

An Leas-Cheann Comhairle: The Deputy should not shout down Members of the House.

Deputy Michael Noonan: Who authorised the press statement that rebutted my view? It was the Minister, not the Secretary General.

An Leas-Cheann Comhairle: Please, Deputy Noonan, we do not shout down Members of the House. The Deputy should allow the Minister to reply in an orderly fashion to the question put.

Deputy Brian Lenihan: The Deputy has moved his ground to a core allegation that I interfered with my officials and gave them a direction.

Deputy Michael Noonan: He did.

Deputy Brian Lenihan: I did not give them a direction.

Deputy Michael Noonan: Who wrote the press statement? Who authorised it? It was the Minister.

Deputy Brian Lenihan: We can return to the press statement at a later stage by way of supplementary questions if the Deputy wishes

Banks Recapitalisation

47. **Deputy Joan Burton** asked the Minister for Finance the reason the promissory notes issued in respect of Anglo Irish Bank, Irish Nationwide and EBS carry coupon rates ranging from 4% to over 6%; if consideration was given in structuring these notes to the use of zero coupon notes; if consideration was given in structuring these notes to the use of shorter term money, rolled over at lower interest rates, as was the case with the National Assets Management Agency bonds; if he will give consideration to the use of zero coupon notes, or another interest minimizing mechanism, to finance the remaining €9.1bn to be granted to Anglo Irish Bank and Irish Nationwide by end 2010, potentially reducing the 2011 General Government Deficit by some €700m based on the prevailing 10 year sovereign bond rate on 4 November 2011; and if he will make a statement on the matter. [41829/10]

Deputy Brian Lenihan: The purpose of the promissory notes issued to the institutions referred to in the Deputy's question is to enable the State to provide them with the necessary capital to meet regulatory capital requirements in a way that ensures the cash burden on the Exchequer over a period of years is manageable. The promissory note structure was designed to achieve the most efficient financing outcome for the Exchequer and corresponds to that of a conventional Government bond. Under their terms, the notes have fixed annual cash flows and a fixed redemption profile. This meets the Exchequer's objective of having certainty of cash flows. The coupon rates on the notes are set by reference to yields on government bonds at the time of issue. This feature explains the variation in the coupon rates referred to in the Deputy's question.

In order to meet their primary objective, it is essential that the notes are valued at their nominal or face value in the financial accounts of the recipient institutions. The notes must, therefore, bear interest at the appropriate market interest rate to ensure the current value of the cashflows equate to face value. Any lower coupon, set for example as suggested by the Deputy at a zero or short-term money market rate — as applies to NAMA bonds — would under the applicable accounting standards result in a fair value adjustment to the face value of the promissory notes in the financial accounts of the recipient institution. To compensate for this and to ensure the relevant institutions fully met their regulatory capital requirements, a substantial increase in the face value of the notes would have been required.

[Deputy Brian Lenihan.]

As set out in the technical note published on my Department's website on 4 November last — which accompanied the publication of the information note on the economic and budgetary outlook for the period 2011 to 2014 — the terms of the promissory notes will provide that no interest will be chargeable in 2011 and 2012. It has been confirmed with EUROSTAT that, as a result, no interest will be recorded on the promissory notes in those years, on either a cash or accrual basis. This means the general Government valance for 2011 and 2012 will be unaffected by interest payments relating to the promissory notes. A higher rate of interest will be chargeable for the remainder of the period — commencing from 2013 onwards — so that the cumulative amount of interest paid over the period of the promissory notes will remain at an average rate sufficient to allow the notes to be recorded in the institutions' balance sheets at face value, notwithstanding the zero rate of interest charged in 2011 and 2012.

Deputy Joan Burton: When did the Minister become aware of the potential impact of these promissory notes on the general Government balance? When the Labour Party received its briefing in the Department of Finance, it was perfectly clear that the officials had not worked out what might be the implications of those notes. I have been trying to ascertain the position in this regard — through the tabling of parliamentary questions — since the Minister announced the establishment of the promissory note structure last Easter. Was the Minister aware of what might be the impact of promissory notes or was he unaware of the position in this regard? If he did know of the possible impact, did he simply choose not to inform the Dáil that they could lead to the payment of an additional €1.5 billion per year? At the end of the year there will be some €31 billion outstanding.

The international markets have lost confidence in Ireland because the facts relating to this matter have only just emerged. Promissory notes worth €9 billion are due to be issued before the end of the year. Ireland's bond rates currently stand at more than 8%. This means that the promissory notes to which I refer will be issued at a rate that will be somewhere between 6% and 8%. It is to be hoped that the rate will decrease to some degree. However, if today's rate applies, then the amount in interest we will be obliged to repay will be extremely high. The Minister and his colleagues are leaving an appalling liability in respect of these promissory notes for their successors in government.

An Leas-Cheann Comhairle: The Deputy should pose a question.

Deputy Joan Burton: Has the Minister considered whether the further €9 billion worth of promissory notes should be issued at the very high market rates which obtain at present or whether another mechanism might be employed? I suggested to his officials that they needed to check how the promissory notes would be treated in the context of the national accounts. Does the Minister agree that on foot of my action in this regard, his officials have at least obtained an interest holiday from EUROSTAT? The officials were not even aware of the possibility of using this mechanism prior to my visit to the Department. Does the Minister intend to issue €9 billion worth——

An Leas-Cheann Comhairle: The Deputy has put her question.

Deputy Joan Burton: ——of further promissory notes at sky-high interest rates before the end of the year?

Deputy Brian Lenihan: The Deputy asked a number of questions. In respect of my level of awareness, at all stages prior to the execution of the promissory notes this year, my Department

advised me that there were difficulties in the context of EUROSTAT's treatment of this matter with regard to the capital sums that we would be obliged to pay on foot of those notes. My officials also advised me at all stages on the capital implications that would arise. In other words, it was made clear that they could lead to a substantial increase in the debt to GDP ratio for this year. Having consulted the Governor of the Central Bank, I took the view that the best course would be to ensure the maximum amount of that exposure — in terms of the capital embodied in the notes — would be taken on the general Government balance this year. This means that next year the Government — and whatever Administration is in place in 2012 — would not be saddled with any further once-off spikes in the general Government balance caused by the capital treatment of promissory notes.

It was drawn to my attention in September that there would be implications for the general Government balance in future years in respect of the interest payments to which the Deputy refers. Various solutions were explored by my officials long before she adverted to the matter. On the question of the interest rate that will apply in respect of any note which must be structured prior to the end of the year, I will examine any suggestion the Deputy may wish to put forward and my officials will consider the various options.

Deputy Joan Burton: I thank the Minister for his reply. At least he has acknowledged that it was only in September that he discussed with his officials the matter of how the interest would be dealt with. This country is facing an incredibly difficult future as a result of the millstone of €31 billion in promissory notes relating to Anglo Irish Bank and Irish Nationwide that has been placed around our necks.

An Leas-Cheann Comhairle: The Deputy should put a brief supplementary question. We are well over the time allocated for this question.

Deputy Joan Burton: Does the Minister agree it is the interest relating to the promissory notes which has completely distorted the position and which is largely responsible for the increase in the savings — from €7.5 billion to €15 billion — that will be required in the next four years? Who provided the Minister with advice on the promissory note system prior to Easter? Why did he come before the House on the Tuesday prior to Easter without first fully checking the position with regard not only to the capital implications but also to those relating to interest payments? Was someone in the Department responsible for making suggestions in respect of this matter? Senior civil servants in the Department of Finance and senior officials employed by the Central Bank, the Financial Regulator and the various other institutions which are responsible to the Department are meant to provide advice to the Minister. Did they not provide that advice?

Deputy Brian Lenihan: With regard to the interest, they were not in a position to advise me.

Deputy Joan Burton: I find that outrageous.

Deputy Brian Lenihan: If I might conclude without interruption, the position in this regard turns on the treatment which EUROSTAT adopts in respect of interest payments. My officials were not in a position to immediately ascertain the relevant information because EUROSTAT's precise treatment of all these matters varies and is subject to revision and final judgment by that organisation.

The Deputy's principal question related to whether these notes in some way contributed to the increase in the four-year target from €7.5 billion to €15 billion. Her assumption in this

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regard is simply incorrect. Let us be clear with regard to this matter. Leaving aside any interest payments which must be made on moneys borrowed in connection with banking, there has been a substantial gap between what the State spends—

Deputy Joan Burton: The Minister should just multiply €1.5 billion by six to get the relevant figure.

Deputy Brian Lenihan: May I please conclude?

An Leas-Cheann Comhairle: The Deputy should allow the Minister to reply.

Deputy Brian Lenihan: The gap between Exchequer expenses and receipts for this year is €19 billion. The €1.5 billion to which the Deputy refers is not even included in that figure. Let us place this matter in perspective. The State has been spending far more than it has been taking in.

Deputy Joan Burton: The Minister is replying to a different question.

Deputy Brian Lenihan: No, I am answering the Deputy's question. This is the one item of information she never wishes to hear. The gap to which I refer is real and the Deputy is of the view that we should try to reduce it by only €4.5 billion next year. Leaving aside any interest payments which must be made on moneys borrowed in connection with banking, it is that gap which lies at the heart of our fiscal and budgetary difficulties.

Deputy Joan Burton: Will the Minister give us a schedule off the make-up of the €15 billion?

Fiscal Policy

48. **Deputy Michael Noonan** asked the Minister for Finance the discussions he has had with representatives of the European Central Bank with a view to an agreement that the bank will buy Irish bonds when the country re-enters the market in the new year; and if he will make a statement on the matter. [41892/10]

Deputy Brian Lenihan: In order to give the markets time to digest the end of September statement on banking and the four year budgetary plan, the National Treasury Management Agency decided not to proceed with the planned bond auctions for October and November and has stated it will return to the bond markets in early 2011. The NTMA has achieved the target of raising €20 billion from the bond markets in 2010 and allowing for cash balances, retail debt and long-term funding carried over from last year, the Exchequer is fully funded well into the first half of 2011. This is an important point that is sometimes overlooked when people comment on Ireland's funding position.

The NTMA has advised that the European Central Bank does not participate in the NTMA's auctions and in fact the ECB does not purchase debt directly from governments but does so only, and on a limited basis, in secondary markets. There has been speculation recently about the scale of the ECB's purchases of Irish Government bonds under the emergency measures introduced in early May to stem the euro area debt crisis.

However, to put the ECB's involvement in context, the NTMA advises that while total turnover in Irish Government bonds since July has been over €50 billion; total ECB buying across all euro sovereign bonds in this period has been just €3.7 billion or so. That is an important statistic which bears repetition. The total turnover in Irish Government bonds since

July has been €50 billion and the total ECB purchasing across all euro sovereign bonds has been approximately €3.7 billion. The ECB does not disclose details of the breakdown of its holdings of sovereign debt.

Irish Government bonds are bought and actively traded in the secondary markets by a broad range of investors, both domestic and international, but primarily by financial institutions including fund managers, banks, insurance companies and pension funds, as well as supranationals and central banks. Due to the nature of the international bond markets, it is not possible to classify bond holdings to the level of individual financial institutions. In addition, any such information would be considered commercially sensitive.

However, the NTMA has advised, based on figures published by the Central Bank for the period to the end of September, that it is estimated that about 84% of Ireland's bonds are held by international investors. Therefore, the question of discussions with representatives of the ECB in the circumstances outlined by the Deputy does not arise and has not arisen.

Deputy Michael Noonan: I thank the Minister for his reply. Some of the statistics, as he said, are very interesting. Could the Minister outline the strategy which he has and which I presume he has discussed with his Department and the NTMA for getting Ireland back into the bond markets in the new year?

Deputy Brian Lenihan: That has been a matter of public record since September. The strategy is two-pronged. The first element of it was contained in the September announcement to bring finality and clarity to the exposure of the Irish banking sector and gave the market ample time to digest that information. The second element of the strategy is to publish the four-year fiscal plan which will contain a credible set of decisions which any Irish Government must take to meet the 3% requirement by 2014 and, as the first instalment of that strategy, to do a front-loaded correction of at least €6 billion this year. They are the two crucial elements of the strategy.

Deputy Michael Noonan: That is the background, of which we are all aware. When Christmas passes and we are in the new year and a decision is made to go back into the markets in middle to late January or early February, what is the strategy, if the Minister has one, to re-enter the markets with safety and a feeling of confidence that whatever is offered will be taken up at reasonable prices?

Deputy Brian Lenihan: It is important to bear in mind that the NTMA advised me we should not hold auctions in October and November, and I agreed with that advice. It was open to us to hold these auctions. We were not shut out of the market; we decided not to make an offer to the market. Clearly, as my reply pointed out, we intend to return to the market early next year and the NTMA will of course advise me about the appropriate circumstances and the different initiatives that may be required on its part to ensure that there is participation in any such issue.

49. **Deputy Joan Burton** asked the Minister for Finance if he has examined the terms and conditions of the European Financial Stability Facility; the rate of interest he would expect to be charged to a eurozone Member State participating in the EFSF, at what maturity and on what terms and conditions; the maximum term of borrowing under the terms of the EFSF; to set out the extent of the contacts to date between executives or representatives of the EFSF since its establishment and the Minister and his officials; and if he will make a statement on the matter. [41830/10]

Deputy Brian Lenihan: Ireland has not sought assistance from the European Financial Stability Facility, EFSF, and as the NTMA has repeatedly stated, Ireland is fully funded well into next year. In terms of contacts between my officials and executives or representatives of the EFSF, there have been no contacts other than those made in the context of normal EU business.

The EFSF is established as a limited liability company, a *société anonyme*, incorporated in Luxembourg of which the euro area member states are the shareholders. In common with other member states, our contacts with the EFSF have related to the establishment of the company, our *pro rata* contribution to its share capital and representation at board meetings.

I can, however, confirm for the Deputy's information that the terms and conditions generally under which the EFSF may make loans to euro area member states are set out in the EFSF framework agreement which was scheduled to the European Financial Stability Bill 2010, which has been laid before the Houses of the Oireachtas. The arrangements governing individual loans would be determined in the context of specific loan facility agreements. Under the framework agreement, it is envisaged that the EFSF may provide loans during the three year period up to 30 June 2013.

As the Deputy is aware, the Government has taken firm action over the past 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 budgetary plan 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 the Government which has addressed the difficulties facing the banking system, will bring sustainability to the public finances and will see ongoing improvements in competitiveness.

Deputy Joan Burton: Did the Minister not find it depressing or shameful that on Monday evening he was on national television giving a press conference in his Department with Commissioner Rehn? Did he not find it depressing and humiliating for us as a country that the Opposition had to troop in yesterday to meet the very polite Commissioner Rehn? It was an indication that our sovereignty as a country has, in effect, been put in severe peril by the actions of the Fianna Fáil Government. Does the Minister understand that sentiment towards Ireland is a result of the fact that the markets lack confidence because everything the Minister has said has proved to be far worse than first anticipated?

Has the Minister or any of his officials had contact with Mr. Klaus Regling? Perhaps the Minister would like to outline the contacts. Could the Minister also tell us how many members of the staff of the Commission are currently in his Department on a temporary or daily basis overseeing Irish budgetary and financial matters?

Deputy Brian Lenihan: First, I have had no contact whatsoever with Mr. Klaus Regling since he was appointed to head up the facility. I of course met him when he visited Dublin earlier in the year—

Deputy Joan Burton: What about the Minister's officials?

Deputy Brian Lenihan: Can I deal with that? Can I answer the questions? I of course met Mr. Regling when he wrote with Mr. Max Watson a report on the history and causation of the current economic difficulties in Ireland last summer. I supported his appointment as a member of the financial council and we are fortunate that someone who has considerable familiarity

with this country is in that position. I have had no contact with them and neither have my officials, as far as I am aware. Certainly, no contacts have been reported to me.

I cannot rule out an incidental contact, and the Deputy will appreciate that, because he now holds a position in the European structure and it may be the case that meetings take place in the ordinary course of business which have nothing to do with Ireland at which my officials are present, but there has certainly been no contact between me and Mr. Regling regarding Ireland.

I hope that is a sufficiently comprehensive answer to the Deputy's question.

In relation to the alleged presence of Commission officials in my Department, there are no Commission officials in my Department on a permanent or any other basis. They do not have offices or regular spaces in my Department. That does not exist. Incidentally, although the Deputy did not ask the question but for the record, neither are there officials from the European Central Bank in my Department. Neither the European Central Bank nor the Commission has staff permanently attached or permanently present in my Department and there is no permanent facility for their accommodation in my Department.

3 o'clock

Deputy Michael Noonan: Did the Minister check the basement?

Deputy Brian Lenihan: The old land bond lottery machine might still be in the basement but I am not aware of the presence of any European officials there.

An Leas-Cheann Comhairle: A brief supplementary from Deputy Burton.

Deputy Brian Lenihan: Of course,——

An Leas-Cheann Comhairle: Please allow——

Deputy Brian Lenihan: ——just to finalise my answer and to assist the Deputy, officials from——

An Leas-Cheann Comhairle: I advise the Minister that the time is well up and there will not be time for supplementaries.

Deputy Brian Lenihan: All right, I will not try to assist further.

Deputy Joan Burton: Does the reference to his officials include reference to the staff of the NTMA? Has the NTMA had any dealings or contact with Mr. Regling or with Mr. Regling's offices?

Commissioner Rehn, who is hardly interested in lying to the mere Opposition in Ireland, yesterday introduced us, and perhaps Fine Gael, to a gentleman who was on his delegation who is currently, clearly, one of the leading persons dealing with the Minister's staff in the Department of Finance on the preparation of the forthcoming budget. He was a tall gentleman with glasses, I believe, from Hungary.

Deputy Brian Lenihan: Deputy Burton went on the national broadcaster yesterday and suggested that there is a Hungarian employed in the Department of Finance.

Deputy Joan Burton: I never used the word "employed".

Deputy Brian Lenihan: He happens to be a Hungarian.

Deputy Joan Burton: The Minister is a barrister——

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

Deputy Paul Kehoe: Arthur Griffith would have been delighted.

Deputy Brian Lenihan: He happens to be a Hungarian. He is an EU national and he is part of Commissioner Rehn's staff. He is not part of the complement of the Department of Finance.

Deputy Joan Burton: Is it just that——

An Leas-Cheann Comhairle: Please allow the Minister.

Deputy Brian Lenihan: Let me put that on the record of the House first. Commissioner Rehn must deal with 27 member states. It is natural and understandable that he has a particular official who helps him liaise with the Irish position.

Deputy Joan Burton: If this is——

An Leas-Cheann Comhairle: Please allow the Minister.

Deputy Brian Lenihan: Out of courtesy, he advises Deputy Burton who that official is and I hear on the national broadcaster later in the day, or in some broadcast, that this gentleman is a Hungarian who works in the Department of Finance.

Deputy Joan Burton: I never said——

Deputy Brian Lenihan: I have put the facts on the record of the House. This is the gentleman, who is an EU national, who assists the Commissioner, who his also an EU national, on Irish matters. There are officials who advise him on Slovenian matters, Slovakian matters, German matters and French matters. This is the official who helps him on Irish matters.

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

Deputy Brian Lenihan: Out of courtesy, the Commissioner pointed that out to Deputy Burton.

Tax Free Betting

50. **Deputy Brian Hayes** asked the Minister for Finance his views on the possible introduction of an on-line betting tax; if he has considered in depth the implications of such a tax for employment within this industry here; and if he will make a statement on the matter.

[41906/10]

Deputy Brian Lenihan: I have stated previously that it is my intention to widen, if possible, the tax base on which betting duty would be applied.

We have a situation where bets placed through one platform, namely, betting shops, are subject to 1% betting duty but bets placed through other platforms are generally not. This is because bets placed either on-line or over the telephone are generally with out-of-State companies and applying betting duty has been difficult. This is an uneven situation and as the Minister responsible it makes sense to explore options to even out the position.

Consequently, I asked my officials, in conjunction with the Office of the Attorney General, the Office of the Revenue Commissioners and the Department of Justice and Law Reform, to look at the scope to overcome legal and operational difficulties in this area. I have stated previously in this House that any extension of betting duty will be applied on a fair basis and should not be perceived as an attempt to threaten jobs. Also, tax changes will be in tandem

with ongoing work by the Department of Justice and Law Reform on issues surrounding licensing and regulation.

Some of the leading figures in the betting sector in Ireland have publicly stated they have no problem with the extension of the betting duty once it is done in a manner that is enforceable for all and, consequently, does not disadvantage Irish-based services.

I am trying to ensure that we can put together a solution that is fair and reasonable, has a sense of balance and will not threaten jobs.

Deputy Brian Hayes: Does the Minister recognise the substantially important aspect of this question related to jobs in this country, particularly businesses in my constituency but also throughout other constituencies where real people are employed by real businesses? How can he possibly introduce an on-line betting tax when seven of the top ten operators in this country are not based here in terms of their servers? It is a very complex matter.

Is the Minister aware of a recent announcement by William Hill that it has decided to get out of the British market in respect of Internet betting, where it describes the challenge of competing with betting exchanges and off-shore tele-betting operators, all of whom have been benefited from significant cost and tax advantages over UK bookmakers? Does he accept that if we are serious about this, we must keep people employed in this country and the introduction of an arbitrary tax could ensure that jobs are lost?

Deputy Brian Lenihan: My answer makes clear that I agree with Deputy Brian Hayes that there are two very difficult issues here. One matter is the complex legal and operational matters associated with the introduction of such a duty and the other is the importance of ensuring that any such duty will not impact on jobs or employment in Ireland.

The third consideration that must be taken into account is that an Irish resident punter can place a bet at a racecourse or off-course in a main street betting shop and the entire burden of betting taxation in this country falls upon those categories, while the Internet bet is entirely exempt from any taxation contribution. That is a matter that any Minister for Finance must examine and he or she must ensure in the context of broadening the tax base that bets by Irish residents are treated in an equal manner.

Deputy Brian Hayes: Broadening the tax base is one matter but ensuring the hole is plugged because of a reduction in the receipts from excise duty on off-course betting is quite another. Does the Minister agree with the Taoiseach's comments in a speech, which, I understand, he gave at a dinner hosted by *The Irish Field* at the Irish Farm Centre on 13 May, where he suggested that "All forms of betting including betting offered over the Internet, other remote platforms or over the telephone should make a contribution". Why should they make a contribution exclusively to greyhounds and to the racing industry? Why should they not be making a contribution towards other sports in the country as well?

Has the Minister departed from his statement to the select committee on 10 December 2008 when he said "in the absence of a prohibition on such activity [that is, Internet betting] it is impossible to tax it because the server can be located in any part of the world". Has he changed his position from his statement in 2008?

Deputy Brian Lenihan: Yes. We have managed to advance beyond that position and we are exploring various options that would ensure that those who are resident in Ireland and place bets can be subject to the same rate of duty. On the application of the proceeds of any such duty,——

Deputy Brian Hayes: Is it likely that such a proposal——

Deputy Brian Lenihan: Just to answer Deputy Brian Hayes's other question, that is a matter for the Government to consider in the context of its exploits.

An Leas-Cheann Comhairle: A brief final supplementary, Deputy Hayes.

Deputy Brian Hayes: Is it likely that a proposal will come before the House between now and Christmas?

Deputy Brian Lenihan: Any proposal on the licensing regime would be brought by way of separate legislation and I understand heads of Bill must be brought to the Government in the first instance.

An Leas-Cheann Comhairle: That concludes Priority Questions.

Other Questions

National Archives

51. **Deputy Jimmy Deenihan** asked the Minister for Finance his plans to create a data centre for cloud computing to exploit the potential of cultural archives; and if he will make a statement on the matter. [36734/10]

Deputy Brian Lenihan: At the outset, I should point out that a great deal of cultural material is already available on-line and accessible by any person through the Internet. Examples of this include the 1901 and 1911 censuses which have been made available by the National Archives at www.census.nationalarchives.ie; the digitisation of church records which have been made available by the Department of Tourism, Culture and Sport at www.irishgenealogy.ie; a searchable database of approximately 80,000 records of key Irish manuscripts and periodicals made available online at sources.nli.ie by the National Library of Ireland; and a searchable database of artefacts made available by the National Museum at www.museum.ie. There are indeed many more examples from these national cultural institutions and from other institutions that are grant-aided or funded by the Department of Tourism, Culture and Sport.

Cloud computing is a relatively new and developing area of information and communications technology, ICT. It is a model for enabling convenient, on-demand network access to a shared pool of configurable computing resources such as networks, servers, storage, applications, services, and data that can be rapidly provisioned and released with minimal management effort or service provider interaction. However, it is still a relatively immature development in that there are considerable issues to be worked out. Examples of these issues include the security of applications and data, most especially in the context of Government data protection obligations; the performance and reliability of the cloud computing platforms and associated networks; the need to avoid vendor lock-in on proprietary platforms which could make access to information and the cost of the service prohibitive or bad value for money; and the fact that commercial and revenue models for Government's needs have not yet been fully developed by the market.

My Department is satisfied that cloud computing is a key component of the future of ICT in the Irish public service. To that end, officials of my Department are actively researching and trialling cloud computing solutions with all of the major ICT vendors in the market and are discussing the issues I mentioned at the highest levels in those companies. I should point out that the issues I have highlighted are of equal concern to colleagues in other EU member states and in US state governments. However, we believe that over time they will be resolved, and

that we will be migrating to cloud computing platforms that are appropriate for the public service on an incremental basis in the coming years, an approach we believe will be common with other Governments.

Additional information not given on the floor of the House.

Of course the conclusions reached with respect to cloud computing will be available to all public bodies for all data and information needs — not just cultural material — because this aggregation of all needs should aid in making cloud computing provision a value for money proposition.

Migration to cloud computing is unlikely to require the development of a data centre by the public service. The primary idea of cloud computing is that computing facilities including hosting, electrical power, cooling, processing, storage and communications would be provided as a service and that customers would not need to engage in the development or management of this infrastructure. In any event, public bodies would be able to leverage the extensive ICT accommodation facilities they have already rather than need to develop new ones.

Deputy Jimmy Deenihan: I am sure the Minister is aware that a commitment was given in the Croke Park agreement that cloud technology solutions would be looked at immediately and that progress would be made before the end of this year. It would appear that at the recent public service IT seminar people were asking questions but no one was there to answer them. I do not think the Department of Finance was represented.

An Leas-Cheann Comhairle: A question please.

Deputy Jimmy Deenihan: There seems to be an overall lack of direction. I am sure the Minister is aware that there is immense interest throughout the world in our cultural history and heritage, much of which is in cold storage. Is there a possibility that cloud technology could be advanced to reveal this to the world and provide access to it? It has major implications for our future.

Deputy Brian Lenihan: We are developing such a strategy. It is important to emphasise that it is not necessary to use cloud computing to make cultural material available on-line. A great deal of cultural material is available for free on the Internet already. This is a very important point. We have all seen the huge interest in the census material from the turn of the 20th century and it is perfectly accessible on-line. Cloud computing is very important; it is a new way of providing computing facilities in which computing becomes a service. My Department is involved in the transforming public service agenda in developing this. The UK Government has announced a high-level strategy; it intends to use cloud computing and to develop a Government cloud for that purpose called the “G-Cloud”. However, the UK Government has not announced how it intends to do this or the timeframe for doing so. Its plans are aspirational. My Department has already put in place an equivalent to the planned G-Cloud. This is “Government networks”, which is a countrywide high-capacity highly resilient infrastructure that allows public bodies to interconnect with each other relatively easily and cheaply. In addition, it facilitates shared access to high bandwidth Internet access and direct access to a wide range of centrally shared systems and services.

Deputy Joan Burton: In view of the potentially wonderful achievements with cloud computing, and I think Microsoft in Ireland as well as various Departments are heavily involved, given that Anglo Irish Bank is, whether we like it or not, one of the most expensive cultural acquisitions ever made in the history of the State does the development of cloud computing offer an opportunity for the Minister to deal with the civil servants — well, they are civil servants —

[Deputy Joan Burton.]

namely, the former employees of Anglo Irish Bank who seem to have the encryption codes for accessing data?

An Leas-Cheann Comhairle: This is not captured in the scope of the question.

Deputy Joan Burton: Yes, it is.

An Leas-Cheann Comhairle: No, Deputy please.

Deputy Joan Burton: Cloud computing is all about capturing and sharing data. I went to a seminar on it.

An Leas-Cheann Comhairle: That, no doubt, will require a separate question.

Deputy Jimmy Deenihan: The Minister identified cultural tourism as a major means of job creation in this country. My understanding is that unless we have this form of technology in our centres of excellence we will not be able to capitalise fully on the vast resources that are in storage at present and that need to be digitised and revealed or exposed to the world. Will the Minister ensure we have some form of direction because it seems we do not have any at present? This is the feedback I am getting. Irrespective of what the Minister states about the UK Government, it is looking at a policy and a pathway whereas we do not seem to have one here. We have always been recognised as a country at the cutting edge of technology. Unless we embrace this technology we will fall further behind.

Deputy Brian Lenihan: Examples of this already in operation include the e-Cabinet and the e-Estimates systems, the centralised HR management system for the Civil Service, the Financial Shared Services Centre operated by the Department of Justice and Law Reform in Killarney and the centralised provision of death notifications. Considerable progress has already been made in this area. However, let us be clear about this type of technology and what the precise ambition is, because it is an ambition shared by many Governments worldwide, including those of the US and UK, as well as ourselves. It is to provide a form of technology that is far more secure in terms of the protection of the information embodied in it. This is not of necessary application in the cultural tourism area, although I agree with the Deputy that cultural tourism should be promoted in every possible available outlet.

The other point to be made about this particular technology is that the provision of cloud computing will be a major shift in the provision of computing services and that is the future of ICT in the Irish public service. However, it is an immature market at present with many issues to be developed.

An Leas-Cheann Comhairle: We are making very poor progress today I have to say.

Deputy Brian Lenihan: Is oth liom é sin.

Fiscal Policy

52. **Deputy Jack Wall** asked the Minister for Finance when he will set out the total fiscal adjustment necessary in each of the years 2011, 2012, 2013 and 2014 in order to achieve the 3% of GDP deficit target by 2014; and if he will make a statement on the matter. [41644/10]

Deputy Brian Lenihan: As the Deputy is aware, in recent weeks the Government has restated its commitment to achieving a general Government deficit of 3% of GDP by 2014. More recently, it has concluded that a total consolidation of €15 billion is necessary over the next

four years in order to achieve the target. A significant front-loading of this adjustment has also been signalled and a consolidation package of €6 billion has been decided upon for 2011. In his recent visit, Commissioner Rehn noted that our assessment was appropriate and agreed that significant front-loading was required.

The four-year budgetary plan, which is being prepared, will be published later this month and will set out the budgetary and economic strategy for the period out to 2014. It will provide details of how the adjustment is to be made each year so that we achieve a general government deficit of 3% of GDP by the end of 2014. A crucial part of the plan will be enhancing Ireland's growth potential and making the necessary structural reforms will be key in this regard.

Last week, my Department published a technical information note on the economic and budgetary outlook in advance of the publication of the four-year budgetary plan. That note outlined the emerging economic and budgetary outlook in order to enhance transparency and inform the public ahead of the publication of the four-year plan later this month.

The note detailed the emerging economic and budgetary position for 2010 and provides an assessment of the economic and budgetary outlook for 2011 and for the medium term. The position was based on assumptions regarding the impact of a consolidation package of €15 billion over the next four years.

As I indicated, the Government has decided upon a consolidation package of €6 billion for next year. On a technical basis, the information note projected that this would result in a general government deficit in the range of 9.25% to 9.5% of GDP next year. The information note also provided an estimate of the deficits in later years, on the basis of the remainder of the total multi-annual package of €15 billion being indicatively assigned to each of the years. While decisions have yet to be announced regarding the breakdown of consolidation between expenditure and revenue, for the purposes of producing economic forecasts it was assumed that the bulk of the adjustment will take place on the expenditure side in 2011 with a ratio of expenditure to revenue measures weighted 2:1 applying over the course of the 2012 to 2014 period.

Additional information not given on the floor of the House.

However, the Government is still considering the design of the multi-annual consolidation schedule. Details on the composition of the adjustment for 2011 and the extent and composition of the measures over the remaining years of the forecast period will be announced in the four-year budgetary plan.

It is important to note that the targets that the four-year budgetary plan will set will be reviewed annually and action will be taken in the event of any departure from the path outlined towards achieving the target deficit of 3% of GDP by the end of 2014. In addition to setting out a multi-annual budgetary strategy, the four-year plan will also outline a programme of structural reform, which will help to restore competitiveness and support economic growth.

The key purpose of the four-year budgetary plan is to demonstrate to all, both within and outside this country, that we are serious about dealing with the problems we face, that we are continuing to address them and that there is a credible route to prosperity and budgetary sustainability over the coming years. The four-year budgetary plan will be published later this month and the budget for 2011, to be published on 7 December, will effect a significant element of the plan.

Deputy Joan Burton: Will the Minister give the House a date for the publication of the four-year plan? As part of the sharing of information offered by the Minister to the Opposition I have asked the Minister and his officials on previous occasions if the Minister can provide the

[Deputy Joan Burton.]

Opposition with the template for the four-year plan. He must know this by now. Despite requesting this information for the past three weeks, the Labour Party has not received it.

Has the Minister or Fianna Fáil any proposals for growth measures to counter-balance fiscal austerity? The Labour Party has published very detailed proposals which have been nationally and internationally assessed to provide for a strategic investment bank using a small proportion of the moneys in the National Pension Reserve Fund for infrastructure and for innovation and small and medium enterprises.

An Leas-Cheann Comhairle: We cannot have a full debate on all these matters now and I am anxious to facilitate a number of Deputies.

Deputy Brian Lenihan: In brief, the four-year plan will be published later this month. The precise date is a matter for the Government. With regard to a template for the four-year plan, I presume Deputy Burton is referring to a general outline of the plan. The Government will have to decide on the plan and it will then be published. In regard to growth measures, of course the four-year plan will be underpinned by credible growth measures.

Deputy Michael D'Arcy: Has the Minister or anybody within his Department or the other Departments conducted an analysis on the impact of the reductions to be announced on budget day?

An Leas-Cheann Comhairle: A brief question, please, Deputy.

Deputy Michael D'Arcy: I wish to clarify my question.

An Leas-Cheann Comhairle: We do not need clarity on the question.

Deputy Michael D'Arcy: It seems to be the case that the Department has not conducted any analysis into the micromanagement of these reductions. While there might be a cost saving now there could be a potential massive cost for the State in the future.

Deputy Brian Lenihan: In the course of every Estimates process every Government does a very detailed economic assessment of the impact of particular measures. There are political choices to be made. For example, were we to abolish entirely our overseas aid budget, it would have no effect on the Irish economy but it would be a very retrograde step, in my view. This is an example of an area of expenditure where there is no return to the domestic economy but there is an important international moral obligation shared, I hope, by all of us in this House. In making a detailed assessment——

Deputy Jim O'Keeffe: Which is, in fact, a return.

Deputy Brian Lenihan: ——of what is appropriate in connection with particular reductions in expenditure, of course in the Estimates process the Government has regard to the relevant economic impacts. I noted that Commissioner Rehn, when asked yesterday for his personal opinion and based on his experience in Finland, made the point that education and innovation are of particular importance to an economy like ours when we are engaged in a fiscal correction.

Deputy Arthur Morgan: I apologise for missing the first part of Question Time as I was attending a committee. Had the Minister taken the opportunity to ask Commissioner Rehn if he will extend the 2014 deadline for bringing the deficit within 3% of GDP within the Stability and Growth Pact? Has the Commissioner given the Minister an undertaking that this is not achievable within that date, as is the majority view here?

Deputy Brian Lenihan: No, Commissioner Rehn did not suggest that at all. He suggested that his assessment was that the €15 million overall target was appropriate and that the most important issue of all was the front-loading of the €6 billion correction. He communicated that opinion in the Irish broadcast media, as I understand.

Deputy Arthur Morgan: Did the Minister ask him about the date? Did he ask him to extend the 2014 deadline?

Deputy Brian Lenihan: There was no discussion about the date because the figure of 2014 was in fact agreed in 2009 when Ireland was given a long period — the longest period of any member state — to correct its deficit, in recognition of the fact that our difficulties were——

Deputy Arthur Morgan: They were different figures then.

Deputy Brian Lenihan: The figures on the fiscal deficit were not all that different in 2009.

An Leas-Cheann Comhairle: I call Deputy Brian Hayes.

Deputy Brian Hayes: I ask if I may give way to Deputy D'Arcy.

An Leas-Cheann Comhairle: I would rather the Deputy did not do so, in as much as I am trying to facilitate other Deputies and Deputy D'Arcy has only asked a supplementary question.

Deputy Brian Hayes: An act of generosity should be recognised.

An Leas-Cheann Comhairle: I will allow Deputy D'Arcy very briefly.

Deputy Michael D'Arcy: I am surprised at the Minister's response. When I put that question to the Secretary General of a Department at a meeting of the Committee of Public Accounts and to the Minister's officials from the Department of Finance, they said no in-depth long-term analysis had been done on reductions.

Deputy Joan Burton: What does the Minister mean by his reference to later in the month with regard to the publication of the four-year plan? We were given to understand previously by him and by his officials that it would be published in the middle of the month, which is next week. Since then the Donegal by-election has been announced. The Labour Party put serious proposals to Commissioner Rehn yesterday for investment in infrastructure such as public transport and roads, in school building and development. This is what the Finns did when their banking system crashed. We also made proposals about innovation in small and medium enterprises. Is there any hope that the Government has any belief in the future of the country and that it intends to invest anything in it? Is there any investment strategy to offset fiscal austerity?

Deputy Brian Lenihan: The Government has great faith in this country and its capacities and in the future of this country. I certainly have faith that we can overcome our difficulties and resolve them. Our underlying economic performance has been very strong throughout this recession. For example, our exports on a year-on-year basis increased by 6% this year. There is tremendous resilience in our labour force. I acknowledge we have real difficulties in the banking sector and in our public finances and we are addressing them. With regard to the Labour Party proposals for investment and the Fine Gael proposals on the adjustment, I would be delighted to receive a copy of these proposals and have them assessed by my Department.

[Deputy Brian Lenihan.]

As to the date for the announcement of the four-year plan, I indicated at an earlier stage that we intend to publish it in mid-November.

Deputy Joan Burton: Then Donegal happened.

Deputy Brian Lenihan: If I may finish, it has been delayed until later November. The Deputy is incorrect; it is not contingent on the date for the Donegal by-election. It will be later this month. It has never been suggested by either the Government or myself that the Donegal by-election has anything to do with this because that is not the case. The Government is finalising the Estimates process for the budget and when this is completed, the Government will consider the plan. As Deputy D'Arcy pointed out, the economic impact of both the plan and the budget is of crucial importance and the Government must take the utmost care in drawing up the plan.

Departmental Staff

53. **Deputy Jim O'Keeffe** asked the Minister for Finance if he will provide a breakdown of the staffing levels in his Department; if he considers them to be adequate and fit for purpose; and if he will make a statement on the matter. [41534/10]

Deputy Brian Lenihan: I have circulated with the reply a table outlining the breakdown of full-time equivalent staffing levels in my Department at the end of October 2010. I will recite the numbers. The Department staff consists of one Secretary General; one Secretary General on the public service side; three second secretaries; 12 assistant secretaries; 50.1 principal officers; 128.95 assistant principal officers; 51 administrative officers; 81.39 higher executive officers; 50.2 executive officers; 26.63 staff officers; 97.83 clerical officers; 23 service officers; two service attendants; one chief medical officer; one deputy chief medical officer; two physicians; three nurses and 6.66 teachers. This makes a grand total of 541.76 whole-time equivalents.

Grade	Total
Sec. Gen	1.00
Sec Gen PSMD	1.00
Second Secretary	3.00
Asst. Sec	12.00
PO	50.10
AP	128.95
AO	51.00
HEO	81.39
EO	50.20
SO	26.63
CO	97.83
Serv. Off	23.00
Serv. Att	2.00
C.M.O	1.00
Dep C.M.O	1.00
Occ. Physician	2.00
Nurse	3.00
Teacher	6.66
Grand Total	541.76

I am happy to tell the Deputy I am very satisfied with the performance of my Department, particularly in light of the extraordinary demands placed on it in the period since I came to office. During this time there have been significant challenges to meet in terms of attempting to stabilise the country's finances, to restore confidence in its banking system and to ensure that the country can re-establish its competitiveness.

My Department has recently retained the services of a number of staff with economic expertise to advise on economic policy issues and the changes within the structure of the Department that have been made have demonstrated the flexibility of the Department to deal with particular challenges faced by it in challenging and changing economic circumstances.

I am deeply appreciative of the professionalism and dedication of the staff at my Department in the very demanding circumstances we have faced, and are still facing, in the context of the difficult decisions this Government had to take and which and future Governments will have to take.

As the Deputy is aware, my Department is the subject of an independent review process which will presumably have implications for the structure of the Department and its skill base, and which I hope will report before the end of the year. The independent review group will undertake a comprehensive evaluation of the systems, structures and processes of the Department of Finance relating to those elements of budgetary, economic, financial and public service management relevant to its role.

Deputy Jim O'Keeffe: I will focus on my main concern, the banking expertise or the lack of it within the Department, principally during the height of the lending boom when billions of euro were being shovelled out by the banks. As I understand it, there have been improvements in the Department in the past 12 months in regard to the banking side. There has been an increase of 50% in staffing and a number of experts, including a banking analyst, a banking accountant, a legal adviser dealing with financial services matters and a senior economist, have been put into that section.

I have two issues, given the importance of the bank issue for the future of this country. How was the Department left without all of this necessary expertise during a time of a major explosion in bank lending, which seemed to happen on an unregulated basis? Is the Minister satisfied with the additional expertise he has acquired on the banking side in his Department and is the Department fully fit for purpose for the future?

Deputy Brian Lenihan: I am satisfied that my Department has augmented the expertise available to it in this area, first, through my decision made earlier this year to delegate certain functions to the NTMA, which has a recognised expertise in money matters and has also developed an expertise in regard to banking matters, and, second, through additional recruitment within my Department, to which Deputy O'Keeffe very fairly referred. The Department has recruited the services of four experts from the financial services area through a combination of direct employment and secondment from both the private and public sector. In 2009, the Government approved the appointment of a banking analyst with extensive knowledge and experience in the banking field on a three-year employment contract. In addition, the Department has recently secured the services of a banking accountant for a period of 12 months through an agreed secondment arrangement, with no cost to my Department. The Department has engaged an expert in business and legal studies and a master's accountant. The Department has also engaged on secondment from the Office of the Attorney General a senior legal adviser to the Department solely on financial services matters. All of those matters have been attended to in terms of the current arrangements and I look forward to the report of the independent review group to see whether any further strengthening is required.

[Deputy Brian Lenihan.]

In regard to the historical position, again, I am not in a position to answer that question today. The Deputy will appreciate these matters are under investigation and have already been examined in Watson and Regling report.

Deputy Michael Noonan: The Minister's reply was interesting. Normally, the distribution of grades in a Department is a pyramid when graphed. The Minister's Department seems to be more of a cylinder. If it was an Army unit, the Minister would be accused of having far too many officers and too few soldiers.

Are there staff in the Department who have been seconded from the private financial sector? If so, how many, what are the terms of their secondment and what protocols has the Minister in place to avoid conflicts of interest?

Deputy Brian Lenihan: Again, I will undertake to furnish the Deputy with that information. There are some individuals involved. While I am briefed with detailed matters in that regard, it would be better if I communicated by letter with the Deputy.

Deputy Joan Burton: How many qualified professional accountants with professional experience and statisticians are employed in the Department of Finance? How many staff, other than the one assistant secretary of whom we all know, have experience working as economists in the private sector or in other sectors?

Does the Minister feel he got value from the €33 million he is reported to have spent on the services of three professional firms at the time of the banking crisis — one firm of accountants, one firm of lawyers and one firm of financial advisers?

Deputy Brian Lenihan: As I understand the matter, the bulk of that was arranged through the NTMA. In regard to Deputy Burton's other questions, I will give her the precise information she wants in regard to the professional qualifications of members of my Department.

Public accounting and the conduct of public accounts is a speciality in its own right, distinct from private accounting.

Deputy Joan Burton: I know that.

Deputy Brian Lenihan: There are many individuals in my Department, the Deputy will be glad to hear, who have a knowledge in regard to the preparation and publication of public accounts which is far more detailed than the awareness any private accountant would have.

Deputy Joan Burton: Are there any professional accountants in the Department other than banking accountants—

An Leas-Cheann Comhairle: The Minister indicated he would check that and revert to the Deputy.

Deputy Joan Burton: I presume the answer is "No".

Deputy Brian Lenihan: It is not. I said I would furnish the Deputy with the details.

An Leas-Cheann Comhairle: If the Minister will allow me, the Minister indicated he would check and revert to the Deputy on that matter. I call Deputy Morgan.

Deputy Joan Burton: The Minister should answer the question.

Deputy Arthur Morgan: Will the Minister confirm that the Department will follow whatever direction is given by its political boss at any given time, and, therefore, if it looked the other way during the banking crisis, responsibility for that is clearly with the political master of the Department at the time?

Deputy Brian Lenihan: That is a very big question.

Deputy Arthur Morgan: No, it is not.

Deputy Brian Lenihan: The Minister is responsible for the Department. In our constitutional system, the Minister is always responsible for the conduct of the business of a Department, and responsible and accountable to this House for how the business of the Department is transacted. Of course, in some matters, that can be pushed to an absurdity where a Minister is criticised because a set of paper clips was ordered which was a waste, or whatever. Clearly, the Minister does not authorise expressly the purchase of paper clips in a Department.

Deputy Arthur Morgan: It is a bit bigger than that.

Deputy Joan Burton: We are talking about the purchase of banks, not paper clips.

Deputy Brian Lenihan: That said, the Minister is responsible for fundamental issues of policy in a Department — no one contests that.

Deputy Jim O’Keeffe: I am delighted the banking expertise in the Department has been strengthened considerably during the Minister’s tenure in office. Some might say it is a like closing the stable door after the horse and many billions have bolted. Who will take responsibility for the fact we did not have that expertise in the Department when it was so badly needed during the height of the banking boom?

Deputy Brian Lenihan: There was extensive experience and expertise in banking matters in the Department at all stages. Of course, the officers with that expertise and experience within the Department could also draw on the expertise of the Central Bank and the Irish Financial Services Regulatory Authority, as it was then known.

Deputy Jim O’Keeffe: Is that a joke?

Banks Recapitalisation

54. **Deputy Joan Burton** asked the Minister for Finance the reason the promissory notes issued in respect of Anglo Irish bank, Irish Nationwide and EBS carry coupon rates ranging from 4% to over 6%; if consideration was given in structuring these notes to the use of zero coupon notes; if consideration was given in structuring these notes to the use of shorter term money, rolled over at more attractive interest rates, as was the case with the National Assets Management Agency bonds; and if he will make a statement on the matter. [41624/10]

Deputy Brian Lenihan: I refer the Deputy to my earlier answer to Priority Question No. 47. The purpose of the promissory notes issued to the institutions referred to in the Deputy’s question is to enable the State to provide them with the necessary capital to meet regulatory capital requirements in a way that ensures that the cash burden on the Exchequer over a period of years is manageable. The promissory note structure was designed to achieve the most efficient financing outcome for the Exchequer and corresponds to that of a conventional Government bond. Under their terms the notes have fixed annual cash flows and a fixed redemption profile. This meets the Exchequer’s objective of having certainty of cash flows. The

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coupon rates on the notes are set by reference to yields on Government bonds at the time of issue. This feature explains the variation in the coupon rates referred to in the Deputy's question.

Additional information not given on the floor of the House:

In order to meet their primary objective, it is essential that the notes are valued at their nominal or face value in the financial accounts of the recipient institutions. The notes must, therefore, bear interest at the appropriate market interest rate to ensure that the current value of the cash flows equates to face value. Any lower coupon, set, for example, as suggested by the Deputy, at a zero or short-term money market rate — as applies to NAMA bonds — would under the applicable accounting standards result in a fair value adjustment to the face value of the promissory notes in the financial accounts of the recipient institution. In order to compensate for this and ensure that the relevant institutions fully met their regulatory capital requirements, a very substantial increase in the face value of the notes would have been required.

As set out in the technical note published on my Department's website on 4 November last, which accompanied the publication of the information note on the economic and budgetary outlook 2011-14, the terms of the promissory notes will provide that no interest will be chargeable in 2011 and 2012. It has been confirmed with EUROSTAT that, as a result, no interest will be recorded on the promissory notes in those years, on either a cash or accrual basis. This means that the general Government balance for 2011 and 2012 will be unaffected by interest payments relating to the promissory notes. A higher rate of interest will be chargeable for the remainder of the period beginning in 2013 onwards, so that the cumulative amount of interest paid over the period of the promissory notes will remain at an average rate sufficient to allow the promissory notes to be recorded in the institutions' balance sheets at face value, notwithstanding the zero rate of interest charged in 2011 and 2012.

Deputy Joan Burton: I will repeat the question I asked earlier, which the Minister did not have an opportunity to answer. Is the Minister still committed to issuing further promissory notes to the tune of approximately €9 billion at the interest rates which now prevail, which today are 8% and which, even if the rates fall back a bit, are still likely to be over 6%. Strategically, is this the best approach for Ireland? The Government was able to issue bond notes at 1.5% in respect of the banks and NAMA and there are provisions for a zero coupon rate on promissory notes. I am sure the Minister's officials have advised him of the effect of that. Has he considered the issue? It will mean an additional interest charge of approximately €700 million per year on the €9 billion at current rates. That is not to be sneezed at.

What is the position in regard to the former Anglo Irish Bank employees who will not share the encryption codes for accessing its records? Does the Minister propose to take action and has he entered into discussions with the bank's management?

An Leas-Cheann Comhairle: That is worthy of a separate question and cannot be asked without notice.

Deputy Brian Lenihan: I am not in a position to deal with the issue of encryption codes.

An Leas-Cheann Comhairle: It is a separate issue.

Deputy Brian Lenihan: The Government is committed to meeting the capital requirements of the relevant institutions through the issue of a promissory note and plainly such a note will require to be issued before the end of the year. The capital figures have already been disclosed in the announcement on 30 September. As I indicated in my supplementary response to the

previous question, I am open to constructive suggestions about how the interest structure in the notes can be devised. However, any such interest structure must carry credibility in terms of the core objective of providing for the capital requirements of the institutions concerned.

In regard to NAMA bonds and the zero coupon rate, that was a different arrangement and the EUROSTAT treatment has been very different. We discussed that issue at length during our parliamentary debates on NAMA.

Deputy Michael Noonan: If the Minister had not taken the interest holiday on the promissory notes, what would be the extent of the estimated correction for 2011 on the budgetary side?

Deputy Brian Lenihan: I do not have the information before me but as I understand it, the figure for 2011 is 0.8%.

Deputy Joan Burton: It is 1.4%. It was on the table.

Deputy Brian Lenihan: In Stability and Growth Pact terms the impact on the general Government balance as a proportion of GDP will be between 0.8% and 0.9%.

Deputy Michael Noonan: We are coming close to the €7 billion the Minister's officials never intended.

Deputy Joan Burton: Given that the Minister is open to reconsidering the promissory notes, I strongly recommend that he do so. I suggest that he consult widely on the issue because the €31 billion for which we are on the hook is precisely what is dragging the country down. How can we regain the confidence of the bond markets until this issue has been mitigated?

Deputy Brian Lenihan: I do not accept the Deputy's analysis of our current market difficulties in the context of the promissory note arrangement. It has been made clear to the markets that the promissory note arrangement is the accounting treatment of the problem. The cashflow implications of spreading the loss over an extended term have been fully explained and are understood in the markets. I do not accept her assumption that it is the sole cause of our difficulty in the markets. I am open to constructive suggestions not on the principle of the issue of the notes but on the structure of interest embodied in them.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Michael Moynihan — the reason for the delay with the issuing of funding to a GAA Club; (2) Deputy Simon Coveney — to ask the Minister for Transport to update the House on the proposal to toll the Jack Lynch Tunnel in Cork and if he is satisfied that it is appropriate to progress this project in light of its impact on traffic congestion in Cork city; (3) Deputy Joe Costello — the need for the Minister for Education and Skills to state when she will provide a permanent school building for Gaelscoil Bharra, Cabra; (4) Deputy Thomas P. Broughan — that the Minister for Justice and Law Reform would urgently report to Dáil Eireann on how he is addressing serious community concerns about the proliferation of gold shops and gold trader operations across the Dublin region and nationally, as it has been alleged that the proceeds of house break-ins may be turning up in this trade, if he will urgently introduce a licensing and invigilation procedure for the establishment and operation of gold shops, on-street or door-to-door gold trading operations and if he will make a statement on the matter; (5) Deputy Dan Neville — the need to discuss the Kilmallock sewerage scheme;

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(6) 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; (7) Deputy Jimmy Deenihan — that the Government would review its proposal to amalgamate Kerry Education Service with County Limerick and city of Limerick VECs; (8) Deputy Willie Penrose — the need for a review at Longford-Westmeath Regional Hospital; (9) Deputy John O'Mahony — the urgent need for the Minister for Agriculture, Fisheries and Food to ensure payments of REPS 4, single farm payment and area aid payment be paid on time this year; (10) Deputy Seymour Crawford — the urgent need for the Minister for Agriculture, Fisheries and Food to ensure that payments are made to farmers who finished their farm buildings two years ago with the advice and instruction of departmental officials but who have not yet been paid because of issues outside their control; (11) Deputy Bernard J. Durkan — the ongoing dispute in respect of a housing association in Leixlip, County Kildare; and (12) Deputy Thomas McEllistrim — to call on the Minister for Tourism, Culture and Sport and her Department to assist Kerry in any way possible with its bid presentation to the International Children's Games to host the games in Tralee in 2015.

The matters raised by Deputies Deputy Willie Penrose, Michael Moynihan, Dan Neville and Bernard J. Durkan have been selected for discussion.

Property Services (Regulation) Bill 2009 [Seanad]: Second Stage (Resumed)

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

Deputy Bernard J. Durkan: This Bill is welcome if it achieves what it proposes to do. It will provide additional protection to people who purchase houses and property or who enter into contracts. It also provides for regulations on the registration of letting agents. The explanatory memorandum states:

"Property service" is defined as provision in the State of any of the following services: auction of property other than land; purchase and sale of land; letting of land; and property management services. In future, auctioneers, letting agents and property management agents will require a licence from the Authority. This licensing requirement will apply both to the property services employer, e.g. an auctioneering company or partnership, and to individuals providing a property service in the course of employment or as an independent contractor. If the service is provided in the State, a licence will be required whether or not the property concerned is located in the State.

A certain number of properties which may cause indigestion in the system are located outside the State. The manner in which regulations are applied to such properties may be interesting.

The courts are at present dealing with numerous cases in which members of the public claim to have been misled into purchasing properties which transpired to have title and other impediments. An amnesty has been proposed to deal with the hundreds of individuals who now find themselves in possession of landlocked and useless properties. I ask that the Minister consider this proposal. In some cases, properties sold through established auctioneers or estate agents which purportedly passed the various legal requirements have come before the courts.

It is usually presumed that a property is valid for sale once a search does not reveal previous failed applications. However, it may also be the case that a full investigation of adjacent properties would reveal that the site in question had no chance of getting planning permission for a house. In many cases permission is being sought for a starter home.

In recent times, management companies seem to have taken on responsibilities that should not go with the whole area of management. In some cases, the construction company told the

public that the management company was about to take immediate control of the development, even though it might have been just three quarters finished. In other words, a new company was being given responsibility for the rest of the duties that accrued to whoever applied for the planning permission in the first instance. There are countless cases of that nature in the courts. More of them will come to the courts in the future. The present economic climate is making it extremely difficult to ensure those who purchased their homes in that kind of environment do not suffer major losses. That is another aspect of the regulation of the construction sector.

I referred earlier to the house builders guarantee scheme and the building control regulations that were introduced in 2004. The regulations place various responsibilities on architects and contractors. They must have been interpreted loosely by somebody somewhere. There are countless cases in which those responsibilities have become vague or opaque. It would be equally appropriate to apply the term “opacity” to some of the situations in which people find themselves.

I wish to speak about duplex houses, which are found in many multi-unit developments. Local authorities do not have the same responsibility for gated developments that has traditionally been the case. There are countless circumstances in which the local authority is the most appropriate body to maintain the open spaces and to provide services. I refer to normal developments where entire buildings are owned and accessed from the ground floor up. A somewhat different situation applies in multi-storey developments where the ownership changes at various elevations. Management companies are the best option in such circumstances, in the absence of a change of responsibility on the part of local authorities.

Two or three problems have arisen with management companies. I want to pay tribute to the effective and conscientious management companies that do a good job, do not charge too much and look after residents to the best of their ability, even in difficult circumstances. Other companies do the opposite. They opt out when they find that huge arrears have built up due to residents being unable to pay. There is a difference between being unwilling and unable to pay. Nothing happens and no maintenance takes place. In many cases, the management company asks the residents to form a new management company to take over from where it left off. The whole situation is fraught with problems.

In County Kildare, like every other part of the country, there are countless multi-unit developments. There is no tradition of such developments in Ireland. A new form of responsibility for the residents needs to be nurtured in such developments. Local authorities do not have any responsibility for them, as I have said. There is a tendency for management agencies to increase these levies to the extent that it becomes impossible for residents to pay them. This is a huge problem as unemployment continues to grow. Both partners in the household are unemployed in some cases. Thousands of euro can be owed to management companies if their fees are allowed to build up. As there is no possibility of rescuing such situations, there is a case for some kind of amnesty that would allow residents to start from scratch. The benefit of these new regulations should be passed, if possible, to those who are already *in situ*. This Bill, as it stands, would not protect them.

I referred briefly to duplex properties. I hope we never see schemes involving duplex properties in Ireland again. The quality of some of them is appalling. Problems can arise when two parents with two or more children are living upstairs in a duplex apartment that is accessed by means of an external staircase. The parents may have to carry children and buggies up those stairs in all kinds of weather. One child might be in the buggy and the other child might be in the hands of a parent. I am familiar with countless cases of children being blown off such stairs, or people slipping in icy weather and being seriously injured on such stairs.

I cannot understand, from a health and safety perspective, how these duplex developments were ever allowed to be developed. They seem to have been constructed in the same fashion as the old farmyard granaries of years gone by. The external staircases that were used in such

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buildings to carry grain into the loft were always regarded as very dangerous. I do not know what can be done to address the issues that are arising in this context. Duplex properties are fine for young single people but the health and safety issues associated with them can be hugely threatening for older people and children. I ask the Minister to reflect on this aspect with a view to ensuring something is put in place to protect the health and safety of those who live in this form of accommodation.

I do not have enough time to cover the full extent of this Bill. I hope I will be able to do so on Committee and Report Stages. This legislation has been promised and threatened for a long time. I want to make a final point before I finish.

An Ceann Comhairle: The Deputy has two and a half minutes remaining.

Deputy Bernard J. Durkan: I thank the Ceann Comhairle. In recent times, a new type of drainage system has been provided in many developments throughout the country. I refer to the attenuation system, which involves a soak pit that is stuck in the middle of an estate. That is all it is. It is a different name for it. The system operates like a wick by drawing and holding water before allowing it to percolate into the surrounding area. The tanks get flooded, however, when it rains heavily as it does in this country from time to time. In many developments throughout the country, there is no system of drainage from attenuation tanks. I am not an engineer, but I cannot understand how anybody designed something like that and expected it to work properly. This system does not work.

I would like to refer to the famous Waterways development in Sallins, which is in my constituency. The Minister said the estate was appropriately named, or words to that effect, when it flooded last year. He forgot that it was named after the canal beside it, which is owned by Waterways Ireland. There are many other estates that do not have the drainage they need. The flooding that took place in Sallins might not have happened if a drainage system was in place. It should never have happened. All that was required was a drainage system. The estates that depend on attenuation tanks which have flooded in the past will flood again. There is no guarantee that we will have dry weather for the rest of this century or any other century.

I ask that through building controls and regulations, particularly as they relate to architecture, this be done at an earlier stage in order that the unfortunate people who pay high prices for property do not find themselves in the same position many of my constituents found themselves in this time last year.

Deputy Michael Ahern: I am glad to have an opportunity to contribute to the debate. I was involved in the regulation business for a while, especially in the context of company law and accountancy. My experience was that self-regulation does not work. It does not work in the accountancy industry or the legal system where changes are being made slowly. Hopefully, those involved will get to it one of these days. The Medical Council, for example, felt it was able to look after its members but it has brought in non-medical administrators. It is important, therefore, to have outside regulation. Without regulation in society, it would be chaotic.

Regulation has many meanings but the simplest is “the controlling of human or societal behaviours by rules or restrictions”. It can take the form of legal restrictions, self-regulation through trade associations, social norms within a community and so on. Regulation mandated by a state tends to produce outcomes that might not otherwise occur, to produce or prevent outcomes in different places as to what might otherwise occur or to produce or prevent outcomes in different timescales from what would otherwise occur. Regulations are justified for a variety of reasons such as the possibility of market failures, the risk of monopolies, to ensure

there is a collective action for the common good, lack of information and unforeseen externalisations. There are many reasons regulation should be brought about.

The property service business is broad and it can have a serious impact on those who take advice from property professionals such as auctioneers, estate agents, management agents or letting agents. When people deal with them, mostly in regard to the purchase of houses, they are usually making the biggest financial deal in their lives and there is a need for total and utter confidence and trust in those providing the information. For many years, service providers were self-educated but in this day and age that is not sufficient. There must be an education standard and training systems and the standards and systems must be regulated by a competent body recognised by the State. They must be up to scratch to address what is needed in society.

Two organisations, the IPAV and IAVI, dominate the industry. These agencies recognised it was necessary to amend the 1947 regulations to make them relevant to the modern era. A review group conducted a study, which made 42 recommendations to the Department. This Bill has taken on board many of the key recommendations. The group has done a great service to the industry but, most especially, to the nation. It has recognised that the system cannot continue to exist as it has because it has not been fit for purpose and it is still clinging to the set up of 60 years ago. In the accountancy profession, practitioners can put a plaque on their wall stating they are an accountant or adviser without having experience or training. I pursued this issue to ensure this would not be allowed and this should also apply to auctioneers and estate agents. They must obtain a licence and must do the necessary training because property services is a vital industry, as people must take advice from those who sell property.

The improvement of consumer protection, systems for investigating and adjudicating on complaints and the establishment of a property service compensation fund are provided for in the Bill. The fund will compensate those who suffer financial loss as a result of dishonesty on the part of property service providers. Every business should be required to have insurance. Many have but some do not and they will be required to do so in order that they can obtain a licence. It is necessary to ensure those who are not licensed will be prevented from remaining in the industry.

For some time and, especially over the past ten to 15 years, the number of management companies and agencies has mushroomed, especially in multi-unit developments. The extension of the licensing system to property management agents and the statutory safeguard for the clients of such agents is an important element of the legislation and the Department's efforts to deal with problems that have arisen in this regard on housing estates and in multi-unit developments. It is causing severe problems for home owners and it is important that the issue be addressed. I am glad it has been included in the Bill.

I refer to the issue of deposit retention, which has been highlighted over the past few weeks. The Union of Students In Ireland, USI, has stated that more than 40% of students who responded to a survey stated their deposits had been withheld by landlords at the end of term without any reason being given. I have been contacted by a number of tenants at my clinics who complained that their deposits had been withheld after they had moved out of a property. Without going to court, it is difficult to get landlords to hand over the deposits, as they give many excuses as to why they should not. The deposits should be held by a third party and if damage is done, it should be assessed by an independent body and the cost of the repairs taken from the deposit. That needs urgent attention.

The Bill is progressive, timely, it will help improve trust and confidence in the property services business and it will protect the customer from those who are out to scam them. I welcome the Bill and wish it a speedy passage through the House.

Deputy Joanna Tuffy: I welcome the Bill. If we could do one job before the end of this term and pass this Bill, it would be progressive and make a big difference to people who live in apartment units and multi-unit developments. The part of the Bill dealing with this area in the one in which I have taken the most interest because the issues that have arisen between apartment owners and managing agents have been a major part of the matters about which politicians have been contacted in recent years. This Bill will provide practical help to people in those circumstances.

In recent years there has been huge growth in the number of people who live in apartment units. An increasing number of apartments were built in areas throughout the country. That occurred partly because of the guidelines covering higher residential density issued by the Department of the Environment, Heritage and Local Government. Thus, it transpired that applications for more apartments were given planning permission and were built. A related factor is that the very high price of housing in recent years has meant that for some people apartment living was a more affordable option. Many affordable units people have acquired in recent years have also been apartments. Deputies in every constituency, certainly it is the case in my own constituency, are dealing with many more constituents who live in apartments or units in areas which have management company structures and are managed by managing agents. Matters relating to apartment living are a much bigger issue in terms of the work of politicians. It is also a much bigger issue in the communities we represent.

A problem in this area identified in various reports is that many people who have bought apartments do not understand the difference between management companies and managing agents, nor do they understand their role in the whole scheme of things. People have often said to me that they will let the management company bring them to court and I have pointed out to them that they are a member of the management company. Many people do not understand that. They treat the management company as if it is some kind of separate institution such as a county council. There is great confusion over the role of the managing agent and that of the management company. Such confusion is very prevalent. There is a major information deficit among people who are responsible in this area. If one is a apartment owner, one is likely to be a member of a management company and, therefore, one should play a role in how the management company operates and who it employs to management the property.

Matters have been exacerbated lately because of the crisis in the property market. I know of areas where the structure of the management company and the managing agent almost seems to be falling apart. This has arisen where a developer has not finished the property properly, the building is not insured, there are no proper fire safety certificates, many people in the development are not paying their management fees and this means that money is not available to provide the services required. Matters will get worse in the next few years. More problems will arise, many of which will be related to the downturn in the property market. Some developers will not complete their work or will find it difficult to do so. We are moving into unknown territory in this area and such problems have already been raised with me, as I am sure they have been with other Deputies.

With all the problems faced in some apartment developments, it will be difficult to get some apartment owners to take on the responsibility of being directors of the management company because in doing so they will face huge potential exposure that is not within their control. If the management company and its directors have a problem with the managing agent and the developer, insufficient money is being collected from apartment owners towards the management fees and large arrears of payments are owed for insurance and maintenance costs, the directors of the management companies will face major exposure. We want responsible people to take on that role. In the case of a problematic development which has not been finished and where issues have arisen on foot of that, it will be difficult to get people who are willing to

take on the role of directors of management companies to solve the various problems that arise because of the potential exposure they face in putting themselves forward. This matter is not directly related to this Bill but it is related in the sense that the Bill, by giving a statutory basis to the functions of the National Property Services Regulatory Authority, will provide a mediation mechanism between apartment owners and managing agents. That will be helpful as opposed to a confrontational approach of going to the courts to get people to pay their management fees. When a mediation mechanism exists, there will be discussions and people will probably become more aware of their responsibilities and the need to work with their management company and managing agents to solve whatever problems exist.

The most important feature of this Bill is the fact that it gives a statutory basis to the National Property Services Regulatory Authority in its functions related to managing agents. Management agents are currently unregulated. The experience of people in terms of managing agents is mixed. Some people who have gone into managing property developments in recent years have no experience in the field and do not know what they are doing. There is an element of that. When things were going well, that was okay. There was a problem with people not paying their management fees but matters will get much worse if people are in arrears and they also find it difficult to pay their mortgage. The issue arises as to whether there will be evictions. There are major issues for management companies and managing agents to face. The fact that this Bill requires managing agents to be licensed and to meet certain requirements is welcome. Hopefully, we will be able to weed out the good managing agents from the bad managing agents or the latter will have to bring themselves up to scratch. That is the main reason this Bill is welcome.

I am aware of both sides of the equation. There is the person who cannot afford to pay his or her management fees or does not want to pay them because he or she considers services are not being provided. I have dealt with that type of person and also with people, directors of management companies, who are experiencing a shortfall in the management fees and cannot pay the managing agent to do the job properly. It is costly for a management company to go to court and there is a certain element of risk in going down that route. Some of them have resorted to other measures, which probably bring them into a grey legal area. One hears of management companies clamping the cars of apartment owners who have not paid their management fees. Such a measure often works in that the fees are collected but in doing that they are entering a grey area. I would question whether they have the legal authority to do that. The clamping of cars on private land is another issue. I question the legal authority for management companies of developments to clamp cars. My car was clamped by a clamper in a private development last week while I was attending a local meeting and I had no option to pay the €120 fee. I question if there is a legal authority for cars to be clamped on private lands. This has not been challenged. In the case of public lands, the authority would be the Minister for Transport in terms of the Roads Acts and so on. While one can see a chain of authority for clamping on public lands, such authority is not clear with regard to private developments. There is no control over what clampers charge.

Management companies are deciding not to go to court because the process is so fraught and costly and does not necessarily result in management fees being paid. If a case is taken to court, it can cause terrible hardship for the person against whom proceedings have been taken. I know a person who, believing they were within their rights not to pay their management fees, was taken to court by the management company and must pay not only the arrears owed for management fees but also a large legal bill. There are two sides to every story. It is preferable, therefore, to have the circumstances provided for in the Bill to enable disputes between parties to be mediated. This is the most important aspect of the legislation with regard to management agents. Mediation of disputes is much better than trying to solve disputes in court and the

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mediation process provided for will be extremely helpful. Similar arrangements could be extended to other civil matters.

We will have to await how the legislation plays out but I am anxious to see the Bill passed. I am often contacted by parties on both sides of these disputes, namely, apartment owners who are management company directors and apartment owners who are not paying management fees and are in dispute with the management agents. What advice am I to give to those who contact me? One can only offer a little information as one cannot direct people to any specific agency for assistance. The National Property Services Regulatory Authority will not be able to deal with these types of cases until the legislation has been enacted. It will be great for Members to be able to advise people who contact us to seek mediation services from the National Property Services Regulatory Authority. I hope many of these disputes will be solved through mediation and negotiation.

The National Property Services Regulatory Authority appears to have done considerable groundwork prior to the legislation being introduced. I have checked its website several times and it contains a great deal of information. It is important the authority is resourced and has systems in place to ensure a backlog of cases does not build up. People will take seriously the option of availing of an independent mediator. If the process of mediation between the two sides is relatively straightforward, many disputes will be resolved quickly through compromise. This may mean people agreeing to pay arrears by instalments and so forth.

Much more needs to be done to educate apartment owners about their rights and responsibilities. While good work is being done to provide information to apartment owners about the law as it stands, for example, on what is the position when one buys an apartment, this information is highly fragmented. Booklets and guides have been produced by the National Consumer Agency, the Office of the Director of Corporate Enforcement and other bodies. Perhaps the National Property Services Regulatory Authority will consolidate this information in a single booklet which sets out all the relevant information in user friendly language. It would not be a bad thing if such a booklet were delivered free of charge to all apartment developments and owners. If people understand their relationship to the management company or agency, fewer problems would arise. Education is important in this regard.

Representatives of the National Property Services Regulatory Authority should update Oireachtas Members on the latest developments while we are deliberating on the Bill. It could, for example, inform us about how the legislation will work in practice, what steps will be taken once it has been passed and what groundwork has been done to ensure matters run smoothly.

While all of us are interested in property regulation generally, the most pressing issue for Deputies in terms of the work we do in our constituencies relates to the problems that arise between people living in apartments and their management agents. The roles of management companies and agents overlap. It would be most helpful if the National Property Services Regulatory Authority were to update Members as part of our deliberations on the Bill.

Deputy Tom Hayes: While I welcome the publication of this long overdue Bill, its introduction is akin to closing the stable door when the horse has bolted. The legislation should have been enacted before the Celtic tiger period during which people joined the mad rush to buy property. It is one thing to buy a home to live in but many people bought property in response to campaigns by auctioneers and builders encouraging members of the public to purchase further properties. Whereas the main aim of most people used to be to provide a home for their family, many of us started to purchase houses for investment purposes. In recent years, I heard many people say they wanted to purchase a house as an investment for their retirement. In most cases, their investments have become a major liability.

Many people owe substantial sums of money arising from property investments they made in towns or in cities such as Dublin. These investments have landed them in serious financial debt. At the time, they acted in the best interests of their families and to provide some assurance for their future. That is not what has transpired, however, as their decisions have created great uncertainty in their lives. I am not blaming auctioneers, developers or any particular group for this problem as it was part of the culture of the time. How many times did we see photographs of people queueing outside estates in Dublin to view a showhouse and buy houses off the plans? Many of the houses they bought were not of a high standard. The recent cases involving pyrite are one such example.

The guidance provided to people on what they were purchasing left much to be desired and people were caught up in the rush. Regulations are required in this area because purchasing a home is a once in a lifetime decision for many people. For this reason, people need to be protected. I hope such regulations will be written into the Bill to assist those who are purchasing homes.

With regard to the new estates that have been built nationwide, the problems associated with getting them under the control of the local councils and concerning their management must be addressed. I hope they will be addressed by this legislation because many people who live in new houses have concerns about the empty houses. They question who will buy them, what will happen to them, who will keep the place tidy or who will keep the place clean. In the past 12 months in particular, I have visited several estates that builders have been unable to finish. Such people wonder whether the half-finished houses will be knocked down or will be left as eyesores and what will become of them.

The real point of this debate concerns the protection of people, houses in the estates and their environment, as well as the role that estate management companies will play in this regard. The economic climate has changed so much that this issue must be addressed. Clear guidelines are required from local authorities on estate management companies to ensure the high quality of people's lives. Having returned home in the evening to take their rest, spend time with their families and so on, such people should be sure on rising the next morning that everything remains the same and that people have not run riot. I refer to boy racers and other huge issues that concern all such new estates. This is a new phenomenon in rural Ireland as people now live in housing estates to a far greater extent than used to be the case. Personally, I have never done so as I have the privilege and luxury of living in the countryside and am quite happy to do so. However, having visited housing estates, I have concerns regarding the issues that face people there. These people are under financial pressure and have concerns regarding their future, whether their houses will be left intact and how valuable will they be. In some cases, people who put their houses on the market are afraid to put up an auctioneer's sign because so doing would run down the value of a house. I am unsure whether this Bill addresses the concerns of ordinary people who have great commitments to various financial institutions.

Estate management and the appearance of an estate is always central to the value of one's house. The councils and local authorities have much of which to be mindful in this regard, as does the Department of the Environment, Heritage and Local Government. There are villages in the part of the country from which I come where new housing estates were built without the installation of sewerage schemes. I must admit there are not many such cases but there have been certain instances. Some months ago, the aforementioned Department received a list in respect of sewerage plants for villages in south County Tipperary, all of which have been turned down. I wonder how serious is the Government about protecting these villages, estates and those who live in them.

[Deputy Tom Hayes.]

The lack of legislation has caused estate agents, developers and financial institutions to eliminate any form of competition in the housing market. If this is the case, and I believe it is, it is a sad state of affairs. When discussing this legislation and having noted previously the tardiness of its implementation, I welcome its introduction and believe it will have a positive effect. However, the proposed authority must understand the needs of the many people who live in such estates, as well as those who live in ordinary houses, flats, apartments or whatever the case may be. I reiterate my welcome for the introduction of this legislation and hope it will be good for both the community and the people.

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Seán Connick): I thank Members for their contributions to the debate. It is clear that the Government's objective of ensuring high standards in the provision and delivery of property services, which this Bill is designed to achieve, is broadly shared on all sides of the House. While Members were broadly supportive of the Bill's objectives, a number of detailed points were raised, which can be clarified by the Minister in due course on Committee Stage. In the meantime, I will clarify some of the following points.

On the publication of house prices and details of commercial leases, I welcome the support shown by Deputies Shatter, Rabbitte, O'Brien and Broughan for the Minister's proposal that the Bill should provide for the publication of data on property sales prices and commercial rents. As the Minister indicated, he intends to introduce amendments on Committee Stage to provide for the publication of such data. Specifically, the Minister intends to introduce amendments to provide that the authority will publish information in respect of the addresses and sales prices of individual properties, which it will obtain from the Revenue Commissioners. Publication of this information will help to promote transparency in the residential property market.

As for commercial leases, the Minister established the working group on transparency in commercial rent reviews earlier this year to focus on practical issues that might help to lessen the mistrust that appears to attach to the rent review process. The working group recommended the establishment of a public database, which would include relevant details of commercial letting agreements and rent reviews. As the Minister already stated, he intends to take the opportunity presented by the passage of this Bill to give the responsibility for the establishment and maintenance of the necessary database to the property services regulatory authority, PSRA. The Minister fully endorses the views of the group to the effect that access to all relevant information is critical in respect of ensuring that a true market rent emerges from the commercial rent review process and that it is of particular importance that all parties to the rent review are on an equal footing in respect of the ability to obtain such information.

The legislative proposals to give effect to the recommendation will draw heavily upon the suggestions contained in the report of the working party. That report notes that certain basic information is currently available to the Revenue Commissioners that could feed into the overall process. It also notes it would be necessary to provide additional information to the entity charged with making public the detail attaching to lease agreements and rent reviews and that the provision of such information would probably necessitate the imposition of a statutory obligation on relevant parties. The Minister is fully committed to implementing the working group's recommendation in this area. Inevitably, however, there are matters of detail to be resolved before the amendment is finalised and those matters still are being worked on within the Department.

In respect of the issue of data protection, the legal advice available to the Minister is that once a statutory obligation is imposed on the authority to publish the data, it will not be

necessary to amend the Data Protection Acts. Finally, the issue of publishing residential property sales prices going back a number of years is being considered in the Department in the context of the drafting of the proposed amendments to the Bill.

As for multi-unit developments, several speakers mentioned the Multi-Unit Developments Bill 2009 and it was suggested that the issues being dealt with in that Bill and in this legislation could have been dealt with together. Deputy Tuffy explained in greater detail the type of problem that arises in apartment buildings. However, the Multi-Unit Developments Bill deals with the ownership and management of the common areas of a multi-unit development and its provisions are designed to help owners' management companies to operate in an efficient, fair and effective manner. It is common practice for owners' management companies to engage property management agents to assist in the management of the developments and as such, the property management agent provides property services to the owners' management company and should be regulated under the same Bill as other service providers.

Deputies Burke and Browne queried the composition of the board of the property services regulatory authority. This issue also was discussed in great detail in the Seanad and as a result, the Minister tabled a number of amendments to section 10. It was considered in the Seanad that property service providers should be represented on the board of the authority to bring expertise in respect of the property service industry to the board but that those representatives should be in a minority. As a result, the Bill was amended to provide that a maximum of three members of the board could be representatives of the property services sector. The Minister is at present examining the possibility of giving more prominent representation to consumer interests on the board. He intends bringing forward a suitable amendment on Committee Stage and with regard to the appeal board, I assure Deputy Burke that it will be completely independent of the authority. Schedule 5 provides that the chairperson of the board must be a practising barrister or solicitor of seven years' standing. This should ensure the independence of the appeal board.

Deputy Shatter referred to the need to regulate ethical standards in the property services industry. Section 92 provides that the authority can make regulations setting out standards to be observed in the provision of property services, with particular reference to the public interest, the duty owed to clients and users of property services, professional and ethical standards and conflicts of interest. These regulations will set out in greater detail the standards which auctioneers, estate agents and property management agents will have to comply with in the future. It would not be possible to include the necessary detail in the Bill.

Deputy Shatter also raised concerns about the involvement of auctioneers and estate agents in facilitating and putting together financial packages to enable individuals to purchase properties. As the Minister already said, in order to avoid conflicts of interest section 60 specifies the conditions under which a licensee acting for a vendor may provide a financial service to a purchaser. It prohibits the provision by a licensee of such a financial service to a purchaser without the prior written consent of both parties.

The question was raised of how long licences will last. Section 32(vi) provides that licences will normally last for a period of one year.

Deputy Kenneally asked how the provisions in the Bill relating to letters of engagement will affect clients who appoint more than one auctioneer or letting agent. Schedule 2 provides that in the case of the sale of land, which includes houses and other buildings, the letter of engagement will include details as to whether the auctioneer or estate agent will be the sole agent or whether other auctioneers or letting agents will also be employed by the client. It also provides that the letter will include details of the obligations, if any, which will apply to the client should

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he or she dispose of any part of the land otherwise than through the auctioneer or estate agent concerned.

Deputy Burke also raised concerns in relating to lack of transparency in private treaty sales. In the case of such sales, section 61 imposes an obligation on auctioneers and estate agents to keep records of all offers received for land, including houses and other buildings, for a period of six years. They are also required to keep records of all conditional acceptances.

On behalf of the Minister for Justice and Law Reform, I thank all those who contributed to the debate. The Minister will consider the points raised in the context of possible Committee Stage amendments.

Question put and agreed to.

Property Services (Regulation) Bill 2009 [Seanad]: Referral to Select Committee

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Seán Connick): I move:

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

Question put and agreed to.

Education (Amendment) Bill 2010: Second Stage (Resumed)

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

Deputy Peter Kelly: This legislation is one of several measures currently being progressed by the Government to cater for the changing nature of Irish society and the new requirements of education provision. There have already been many developments that have helped bring about greater diversity in our education system. Today's legislation is just one of many ongoing developments and I welcome the Tánaiste's commitment to this area.

We have come a long way since this debate began. Archbishop Diarmuid Martin indicated previously that where there is no demand for a Catholic ethos or patronage in a school the church is willing to consider releasing schools from its patronage. Following on from this, the Department of Education and Skills, at the request of the Catholic Church, undertook to identify areas that may offer potential for the church to divest patronage of certain schools. A total of 43 town areas satisfied the criteria set down by the Department and six were selected at random. The results of this review were published in August 2010.

It is important that we have a full consultation with the patron, the management of the school and staff before any decision is taken on handing over patronage from the Catholic Church. I fully support full consultation. I would like to see full consultation with the patron, management, staff, parents and pupils. Sometimes people feel they are not consulted enough. To try to get a successful outcome to any decision, particularly in the education field, it is of the utmost importance that full consultation take place with all interested parties.

The Department has stated that it will put processes in place to consult with the local communities, including prospective patrons, on the future patronage of these identified schools. I hope and believe the Department will do as it has said and put processes in place. We do not want to hear at a later stage, when it is too late, that the community felt they were not adequately consulted. It is important that they be adequately consulted, beforehand and not

afterwards. It is no excuse to say, when things have happened, that we meant to do this or that or that we should have talked to this or that group. We have plenty of time and we have been given plenty of notice. Everyone should be consulted.

While the introduction of a new form of patronage is welcome, we must remember that 92% of schools are in the hands of the Catholic Church and we must continue to look at how we are going to divest control of some schools in the areas identified by the Department.

It would be remiss of me not to pay tribute to the Catholic Church for supplying education to the people of counties Longford and Westmeath in my constituency. The church has given fantastic service over a century or more and was completely committed and dedicated. Most of the people of my constituency owe their knowledge and education to the Catholic Church. The schools have been of the highest standard and the commitment of the priests, nuns and lay people has been second to none. When people return to the constituency for school reunions one can see that, thanks to their education, they have had successful careers academically, professionally or in trade.

I hope to see the progression of trialling arrangements in this area. The introduction of the Bill reminds me of the need to ensure that we have a transparent and appropriate system for recognising primary schools. This is very important. As new schools are created and as the Church considers which schools it will consider divesting, we must ensure a transparent set of criteria is in place for deciding who should be chosen as patrons. This is critical as we discuss this Bill.

It has recently come to light that certain people in certain professions were not qualified to do or were incapable of doing their jobs. We do not want to repeat this mistake in respect of the patronage of schools, particularly new primary schools. Let the process in which we engage not be slipshod. Let it be transparent and in the public domain, and let people see who the patrons are to be. Let the people have their say and make a comment, one way or another, before patronage is decided upon, not afterwards.

The Education (Amendment) Bill 2010 doubtlessly represents further progress in achieving greater diversity in our primary school system. I welcome the debate on the amendment to the Teaching Council Act 2001 allowing the use of unqualified teachers in certain circumstances. This must be debated further because greater clarity is needed. I have received numerous representations, and rightly so, on behalf of qualified teachers in this regard. Many teachers who are qualified to the highest standard find themselves unemployed in the present economic climate. Qualified teachers must be given priority. I appeal to the boards of management of schools to address the issue. The boards are doing a good job overall on a voluntary basis and might not wish for interference from outside. While they meet regularly and are concerned, and they have the welfare of the pupils, teachers and schools at heart, it is no harm to ask them to give priority to newly qualified young teachers when filling vacancies.

Over the past century, in addition to having teachers teach in this State, we have sent teachers all over the world to teach. In the majority of cases, our teachers are held in the highest regard on foot of their having given a great education to pupils here and abroad. I hope the boards of management do not mind my suggesting that newly qualified young teachers should be given priority. I am sure most of them would agree with me in that respect.

With regard to VEC involvement in primary education, let me comment on the proposed amalgamation of the VECs nationwide. It is proposed that the VECs of Longford, Roscommon and Leitrim join together. I welcome the Minister's comment that she will meet all the CEOs first. This must and will be done. I thank the Minister for her commitment in this regard. The different bodies and unions involved in VEC education will be consulted. The last item on the

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agenda, after the discussions, will be to decide on the various headquarters for the various VECs.

County Longford VEC, Administrative Offices, Battery Road, Longford, has recently purchased approximately five acres at Connolly Barracks in Longford. It is an excellent site and would make very suitable headquarters for the VECs of Longford, Leitrim and Roscommon. I ask that this be kept in mind when the appropriate time comes.

I commend the Bill to the House.

Deputy Brian Hayes: I am glad of the opportunity to speak on this Bill. I recognise the presence of the Minister of State, Deputy Seán Haughey, this evening for this important debate.

This legislation has been in gestation for some years. The initial announcement on the legislation was approximately two years ago. We have had a number of Ministers responsible for education in the interim. Much has changed over the period in question, not least owing to the financial difficulties that have affected the country and the enormous pressure on the education and other budgets.

One of the best developments is the cross-party acceptance of the necessity to amalgamate VECs. I was the first politician to propose this and was attacked for doing so by colleagues on the other side of the House. I proposed it more than a year ago. At a time of scarce resources, we must direct funding under the education budget towards the front line and focus on quality. If this means altering structures and back-office positions, we must do so. I welcome the fact that the Minister, Deputy Coughlan, is a new convert to the idea of amalgamating VECs. I very much regret that her predecessor did not get on with the job two or three years ago when we had a blank canvas to start afresh. Much has changed in the two-year period to which I refer.

The Bill refers to the new community schools. Such schools are up and running. Two schools in west Dublin have been established and more are to become established. In many respects, the idea of a community national school is a little bizarre. The truth of the matter is that we have community national schools all over the country.

As I have stated in the past, in the great majority of cases these schools are Catholic but with a small “c”. They are rooted in their communities and are attended by children of all faiths and none. These schools have served the country well and they have made a major impression on the learning experience of the children who have attended them.

It is not correct to say that there have never been State schools. I accept that they constitute a minority example but the model schools are effectively controlled by the Minister with responsibility for education and, prior to Independence, they were controlled by the commissioners for education. In addition, the VECs have been involved in post-primary education provision for many years. The idea has been put forward that what is proposed in the Bill is radically different. At one level it is radically different because, effectively, we are recognising the VECs as new patrons within the primary school system. However, I would not like people to think that the concept of community national schools is in some way new.

I accept that a number of issues must be addressed. Deputy Quinn has alluded to a fundamental issue in respect of which action is required and which is not dealt with in an adequate manner in the Bill. I refer to the provision of denominational religious tuition within the framework of the new community national schools. The Constitution is absolutely clear in respect of this matter. Article 42.2 states: “Parents shall be free to provide this education in their homes or in private schools or in schools recognised or established by the State.” There was never a difficulty in providing State schools in Ireland because from 1937 onwards there has been a

clear recognition that they can be provided. This matter was further highlighted in the Education Act 1998. So there has never been a problem with regard to this fundamental question of a pure State school.

As previous speakers stated, the problem arises with regard to how it might be possible to provide religious denominational tuition within the confines of the daily routine of a State school. It is one thing to say that State schools provide the full curriculum — including multi-faith options, which are a fundamental part of the entire religious curriculum — on a daily basis from 9 a.m. to 2.30 p.m or 3 p.m. However, it is legally dubious to suggest that denominational instruction should be provided during the course of the school day. Such instruction can be provided after school, either in local churches or people's homes. Has consideration been given to whether it can be provided in the new schools that are to be established? I am not convinced that the Bill is constitutional in that regard.

In the various test cases that have been taken in the context of employment and other legislation, the Supreme Court has found that the Constitution fundamentally respects the right of religious schools to exist. It has also found that the Constitution respects the right of the authorities at such schools to select, based on their enrolment policies, both the children who will attend them and, based on religious criteria or whatever, the teachers who will provide instruction in them. Furthermore, the Supreme Court has always held that these schools have a right to exist and that the Constitution upholds that right. However, it is entirely different to suggest that a State primary school has the right to provide, within the course of the school day, religious tuition by denominational groups. I am of the view that the Bill could falter on that point and I would be interested in hearing the Tánaiste's opinion when she replies to the debate.

I and others had made calls for the introduction of a Bill of this nature for some years. I had come to the view that it would be a good development if we were to provide another type of educational choice, in the form of community national schools, in order to reflect the new multi-faith and multicultural Ireland. However, I have changed my mind. The Bill represents a missed opportunity. In the few years that I shadowed the Tánaiste, Deputy Coughlan, and her predecessors in the Department, I came to the view that what is needed is a root-and-branch reform of the structures which govern the education system. I am of the view that, ultimately, such an approach will require the Department of Education and Skills to be broken up.

If this approach is adopted, we must consider with what we might replace the Department. In my view, the new amalgamated VECs will be the logical intermediary between the Department and primary and post-primary schools and institutions which provide adult and community education. The VECs are the logical choice to form a stratum of government between the national and the local. In light of what I am suggesting, how would it be logical to ask the VECs to become the patrons of new primary schools? If I was to establish a new system of education, I would argue that the VECs should be responsible for regional educational policy in its entirety. Effectively, this would mean that they would be obliged to divest themselves of the post-primary schools for which they are responsible. There would be major suspicion on the part of Educate Together, the gaelscoileanna, voluntary secondary schools and a range of religious and other providers if the VECs became the new intermediaries responsible for local decision-making and if they did not divest themselves of their schools. If they did not follow the latter course, the VECs could not be perceived to be neutral providers.

There is some international evidence which supports the view that the Department of Education and Skills should be broken up. If effect, the evidence suggests that the Department should be responsible for monitoring curricular development, should engage in evaluation and

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should set policy. At present, every decision relating to education is taken by the Department. The system is crazy. Decisions on circulars dealing with everything from the advent of nuclear winter to instructions on how to repair a window must all be made by the Department in its various guises.

We must break the centralised approach and liberate school communities by establishing an intermediate system of governance. The obvious way to achieve this would be through the structures relating to the VECs. When she was Minister, Niamh Bhreathnach proposed the establishment of another tier — comprising regional education boards — between those relating to the Department and the VECs. The convincing arguments made against this proposal was that the money was simply not available and that if it were available, it would instead be invested in employing additional teachers or providing new schools. The arguments I refer to won the day.

Deputy Ruairí Quinn: Ms Bhreathnach also advocated that the VECs would remain in existence, which did not make sense.

Deputy Brian Hayes: Yes, she did advocate that. However, there is no reason that amalgamated VECs, with a much stronger mandate in respect of a number of counties, could not be the local levers of education policy within their communities.

On every occasion one reads an OECD report, one is confronted with various criticisms of the Department of Education and Skills. In the 1992 Green Paper on education, it was stated that the essential task of the Department was to formulate national policy, support and monitor educational developments, establish and ensure maintenance of national standards of quality, allocate available resources, engage in strategic planning, etc. I accept that these remain the tasks of the Department. However, the Department should not be involved with the day-to-day management of schools or decisions in such schools with regard to how resources are allocated or to whom. The Department has responsibility for decisions relating to capital spending, information technology and allocations. We have to recreate a system and have a wonderful opportunity to do so now. The way in which one recreates it is to give the VECs a new role.

I will point out some of the things for which I would give VECs a specific role. They should be responsible for the maintenance and management of building stock. It should not be a matter for Tullamore or the Department of Education and Skills. Local VECs should be able to take control of all educational buildings within their region and decide which need funding and which do not. There is no reason why that decision cannot be taken locally with some democratic accountability, as against the current highly politicised decision-making of the capital programme.

Why can VECs not take responsibility for school transport? It is an area for which the Minister of State has responsibility. I know I am giving his job away. What is the point, in the Department of Education and Skills, in deciding school transport policy for the entire country when that decision should be taken locally? The idea that the Minister of State would sign off on routes——

Deputy Ruairí Quinn: The locals might get it wrong.

Deputy Brian Hayes: Indeed they might.

Deputy Seán Haughey: Bus Éireann does a lot of it.

Deputy Brian Hayes: If one examines the recent innovations on sports provision facilities one will find it is where the VECs do get it right. They sweat the asset. When a new sports

facility is established if it is a VEC school, as is the case in my constituency, it operates from 7 a.m. until 10 p.m. That is not the case in many other schools in the country where when the doors closed at 4 p.m. and 5 p.m. the community are not allowed in.

Deputy Ruairí Quinn: For insurance purposes.

Deputy Brian Hayes: Yes. There is no reason why we cannot radically alter the way in which those decisions are made. Library research and information services should be dealt with locally as well, as should printing, publication and in-service teacher training. Why should Marlborough Street decide that? That is a matter for local educational providers to decide. If ever there was an area where one could save a fortune it is in the area of information technology support which should be provided on a regional basis. This is crucial

What I have described is an opportunity to radically alter the structure of Irish education. I am calling for a kind of liberation theology. If one takes what I am saying as possible it is logical that what we are doing here in allowing VECs to become patrons of the new community national school model would alter what they should be doing. I am also concerned that there might well be a view in the community that what we are doing here will create some kind of inferior schools to those which currently exist. There is a dreadful snobbery which exists in Irish education across the country.

I do not want a situation whereby religious primary schools, gaelscoileanna, Educate Together schools and now the new community national schools would encounter social mobility questions regarding whether one school is advantaged over the next. We are making it unwieldy and highly complicated. It flies in the face of international best practice. I have given this much thought and I have come to the view that if we are going to radically alter education we need to do it based on local democratic structures. If one is doing that one therefore has to alter the way in which the VEC is a patron for local primary and post primary schools.

Deputy Frank Fahey: I welcome this Bill. It is long overdue. I welcome the fact that the VECs are becoming involved in primary education. Whatever we may say about the VEC system it has been successful in the administration of education in localities throughout the country. The necessity for rationalisation has been long overdue and I welcome that development.

We should recognise the success we have had in this country in regard to patronage in education, in Catholic primary schools, the Educate Together system, gaelscoileanna and schools which have a Catholic ethos but a multi-denominational approach to education. We should not let this opportunity go without recognising the wonderful work the Catholic Church in this country has done in primary education through the years. It is interesting to note that when we received freedom in this country the founding fathers of all parties decided education was the single most important investment that the young State should make, notwithstanding the fact that there was not much money.

The success of the country and economy is down to the fact that the founding fathers of this State decided that primary education was the bedrock of a successful society and community. There is little doubt that the principles of the three Rs — reading, writing and arithmetic — have been the fundamental foundation of the success we have had as a nation in attracting multinational industries and becoming the high-tech society which we are today. We should acknowledge that, as well as the role the Catholic Church played when the State did not have the resources to develop a primary education system.

Now that the Catholic Church is getting out of the patronage of education we should acknowledge the many religious priests, nuns and brothers who did a wonderful job of work

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through the years. Unfortunately, the work of many great people has been blighted by the activities of a few and that is what has come to the fore. It is all the more reason why this House should acknowledge the wonderful work done and the great sacrifice made by so many religious, priests, nuns and brothers to the foundation of education in this country before and since we became a free State.

Given also that there are so few religious left, this Bill is overdue. The Department of Education and Skills has been lucky to get away with what it has, in terms of the diversity that has happened very quickly in our society since 2000. It is worthy of note that in one new school in Dublin all the enrolments comprised children from communities outside Ireland; there was no Irish child in the school. That such a thing could happen is a tragedy. Thankfully, it was arrested and the situation no longer exists.

When I was Minister of State at the Department of Justice, Equality and Law Reform I attended a number of events in the early part of this decade in Denmark, Holland and so on and saw at first hand how they got it so wrong, in terms of not developing diversity within their communities. It is interesting to note that it was not the people who arrive in those countries as immigrants who caused the problem. Rather, it was their sons, daughters, grandsons and granddaughters——

Deputy Ruairí Quinn: Absolutely.

Deputy Frank Fahey: ——who became ghettoised and totally removed from mainstream society, and therefore began to create all of the trouble that we have seen in Britain as well as in other European countries. I tried to address this. Instead of talking about segregation we put in place a very significant programme of integration. This Bill enables us to put that into practice in a very practical way. The VECs are the ideal way in which to ensure diversity in our education and, irrespective of who runs the school, that the wishes of the parents are the primary requirement in terms of what, if any, religion is taught in that school.

The way in which schools throughout the country have reacted to the influx of a multi-national and multi-regional community deserves great credit. We should be proud of the way in which the teachers and the principals who have had this massive influx of children from a variety of cultural and religious backgrounds were able to assimilate these children into their schools. They deserve the appreciation and thanks of this House for the seamless way in which they have succeeded to do this. We are fortunate that children right across the spectrum are being integrated in our schools and that it is a good news story in terms of the absence of racism. I am not saying racism does not exist; it does. However, the position is much better than that which pertains in some of our neighbouring European countries.

There are a number of schools in Galway, such as the Claddagh national school and Mervue national school, where there could be 12 or 15 different nationalities. One can sense the atmosphere as one walks into those schools and there is no such thing as children being racist or children not from Ireland feeling in any way inferior to the rest. Great credit is due to those who run those schools for the way in which they enabled those children to integrate.

One of the most difficult issues with which I have had to deal — Deputy Michael D. Higgins has encountered the same situation and we have discussed it — is where a son or daughter of asylum seekers has integrated in the school system and other children and their parents want to know why the State must send them home. It has been heart breaking for me to have to say, unfortunately, I cannot do anything to keep this family in Galway. I understand the reason they must go home but when it comes to the point where the children are saying they do not want such children to go back to Africa, it is proof of the success of our teachers, principals

and boards of management. We should acknowledge that in this House this evening and extend our thanks to them.

Another point I want to make relates to the multi-belief programme, which has been working under the title, “Goodness me, Goodness you”, and is designed to cater for children of all beliefs and none, with content appropriate for both their theist and non-theist perspectives — maybe somebody would explain to me what that means. In keeping with the commitment to provide belief-specific teaching in accordance with the wishes of parents, the programme also provides for belief-specific modules to be delivered for children whose parents take that option. That is an excellent provision, which has been researched for some time and which, I understand, has been very successful. The most important and fundamental point here is that, as that statement says, we can have children in our schools with all beliefs and none, they can be catered for whatever their religion and they can integrate, and that the teaching of religion to different religious groups within the school is a seamless exercise. The existing patronage, under the Catholic church, has worked well in that respect. The new patronage, under the VECs, is welcome. No doubt the patronage of Educate Together has been outstanding.

We all agree that the standard of Educate Together schools is as high as one can get and the way in which parents have contributed in no small way to the ethos of those schools has meant there is a huge motivation for the absolute highest standards to be achieved. I can speak only from my knowledge of a number of Educate Together schools in Galway. They have the highest standard that one can find in terms of the education they provide and the ethos that is intrinsic in the Educate Together model, where diversity is a first principle and where religious beliefs are accommodated irrespective of what they are.

I commend the Tánaiste on the introduction of this legislation. I welcome the way in which the board of management structure is set up. I was the chairman of the board of management of a new community school in Gort when I was a Member of the Seanad. I had been Minister of State in the Department of Education prior to then and it was interesting for me to go back and become chairman of a board of management.

The critical success of the board of management system of community schools and community colleges was the representation of the community. In that respect, it is most democratic that there are two direct nominees of the patron, two teacher representatives, two parent representatives and two community representatives and it certainly gives all of those interests adequate power to influence the decision-making and the direction of the school.

On the concerns that have been expressed on religious education being delivered in community national schools, the availability of religious education for all faiths and none during the school day is a central tenet of the community national school and it is a distinguishing feature of the new schools. However, there has been a view expressed in the media that this new CNS model of patronage should not involve itself in the provision of faith-specific teaching during the school day. The policy on religious education in these schools is as agreed by the Government. In approving the development of an additional model of primary school patronage, the Government’s intention was to provide an option for those who continued to seek for their children the option of faith-specific teaching during the school day. In line with the practice throughout the wider primary school system, the patron in the community national school is responsible for providing religious education as part of the school curriculum in keeping with the characteristic spirit and ethos of the school. That makes great common sense. It is the central point in this debate. It has been working well in practice, as I have just stated, and long may it continue that we should lead the way in Europe in terms of integration of the multi-cultural multi-national community. If we can succeed in teaching our children to have respect for each other’s culture, education and religion, we will have no problem in the future.

Deputy Mary Upton: I welcome the opportunity to speak on the debate this evening on the future direction of patronage of our primary schools.

The increased demand for different types of primary schools reflects the profound changes that have occurred in our society in the past decade. These changes have been in terms of both demographics and beliefs. In the past decade we experienced a huge migration of people from various societal backgrounds into the country and escalating birth rates. At present, we are experiencing the highest birth rates in almost 30 years. We have also seen the number of persons defining themselves as Catholic decline while there has been an increase in those of other faiths and those who are classified as having no religion. These societal changes invariably impact on the demand for, and the nature of, the schooling we provide.

Last month, I attended a family day organised by the Portobello Educate Together start-up group, which has been in contact with me, and my colleagues Deputy Ruairí Quinn and Senator Ivana Bacik, since its foundation in January. It is concerned about the lack of multi-denominational school places for children in the areas of Dublin 2, 6, 8 and 12. The group has been running a campaign for a long time on this and it is clear there is a huge demand for provision for this cohort. The parents want their children to receive primary school education in an environment that provides for each of the major faith communities attending the school, rather than the traditional model of denominational schools. There is an enormous demand for multi-denominational places in my constituency of Dublin South-Central and in the constituency of Dublin South-East, and given the demographic changes in the area and rising birth rates, this demand is sure to increase even further.

Given the speed at which these changes are happening we need a new approach to cater for the wishes of parents about how their children are to be educated. Central to this has to be input from the parents. During the so-called “boom times”, when our construction industry was producing 80,000 and 90,000 units a year, each August we had the annual blot on our copybook when distressed parents in the fast-growing commuter towns and beyond took to the airwaves to highlight the shortage of school places for their children. The main issue these parents faced was getting their children into any school, which invariably consisted, unfortunately, of prefabs, and concerns about the ethos of the school were often far from their minds at the time.

This situation arose out of a culture of development that failed to provide for the basic needs of an area, much less take account of the wishes of the people who were going to make the place a community. Into this vacuum stepped groups such as Educate Together and great credit must be given to them for this work. It is deeply unfortunate that when we had the money to do this, the Government failed to adequately provide the necessary school buildings; now, while our construction industry is on the floor and the State coffers are bare it is hard to see how this demand will be met, but it has to be met. The urgency is there to facilitate the many parents in the community I mentioned who collectively have made a very strong case for the provision of a multi-denominational school to cater for the educational needs of their children.

One proposal by the Portobello Educate Together group and others is to allow for the transfer of patronage of existing schools to multi-denominational, non-denominational or inter-denominational management. This approach could be facilitated by the existing patrons as a means to take account of the changing nature of an area and to provide schooling in accordance with the parents’ wishes. The Catholic Archbishop of Dublin, Dr. Diarmuid Martin, has suggested that in some areas the Catholic Church may be over-represented as it may have a disproportionate number of schools in areas where there have been significant cultural and religious changes. This point of view from the archbishop is very welcome, heralding an open and progressive attitude towards educational facilities for the children of this country.

The aim of this legislation is to provide for direct State involvement in the establishment of primary schools and the framework by which VECs become patrons of primary schools. In 2007, Deputy Mary Hanafin, as the then Minister for Education and Science, announced plans to devise a new model of community national school that would be designed to cater for the diversity of beliefs in an area served by a primary school. Since that announcement, the Labour Party and others have called for a national forum to discuss a vision for primary school patronage. This was done in order to call attention to the issues around the role of the 19th century patronage system in a 21st century society, as well as to debate the diversification of patronage of schools.

In the existing system of primary school patronage, the patron is generally a representative of a religious faith and the ethos of the patron is taught in the school. In the case of Catholic or Church of Ireland schools, bishops are the patrons in a diocese with the local priest or rector carrying out the functions on behalf of the bishop. The patron of multi-denominational schools is usually a board of trustees. This system exists even though almost all schools depend on the State for the bulk of their funding and are governed by State rules and regulations. The patron may manage the school personally or appoint a board of management to act as manager. The patron retains powers over two appointments to the boards, as well as the appointment of a chairperson and also over the approval of the appointment of teachers. While these powers are generally exercised in the best interests of the school and its students, it maintains religious control over education in an area, even when demographic and other societal changes take place and all the indicators are that there should be a review of the existing provisions to cater for a new ethos or culture.

The role of the principal of a school should also be reformed with regard to control of a school. Boards of management should devolve more autonomy and responsibility to the school principal in the management and operation of a school. School principals are the people with the most knowledge of, and ability relating to, the running of a school and they should be given a great say in the operation of the school. In practice, it is also the case that school principals have a major role to play in the direction of the school and delivery of the education programme. However, this role and responsibility should be acknowledged in real terms in legislation.

Similarly the changes to school ethos must also apply to teachers and the changed beliefs of our teachers should also be taken into consideration. The Labour Party has proposed a freedom of conscience provision for students and teachers in our State-financed teacher training colleges. It is simply unfair for our teachers, who are paid through public funds, to feel they have to deny or misrepresent their beliefs to comply with a school ethos.

What was proposed by the Labour Party and a number of other parties on a national forum on patronage with all stakeholders is now required to provide a wider range of choice in the ethos of primary schools. There are divergent views of how we should proceed as a society with regard to schooling. For instance, the route we are progressing towards here is similar to that experienced in other countries where the availability of choice based on religious beliefs or lack thereof is the guiding principle behind school provision and management. Questions about the desirability of this approach should be discussed with regard to the potential effects in terms of social cohesion of educating all our children separately according to the beliefs of their parents. This has been mentioned by a number of speakers.

We are moving from a time when society was relatively homogenous into a time of great diversity and stratification. However, this must take place as part of a broader discussion about the nature of our education policies and the changes in society. We live in a very different environment and culture than that which existed even ten years ago, and we must adapt to this

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changed society by maintaining the best aspects of our education system while taking account of the new realities that are impacting on our society.

An issue raised previously is with regard to insurance in schools and the availability of school facilities to the wider community. To a great extent, this is a red herring and it has to be grasped. We are now in an time when facilities are at a premium and capital investment is unlikely to take place in the foreseeable future. Why is it that a good capital project already up and running, by way of a gym hall in a school, cannot be used by the wider community without a huge fuss about insurance? This is not a real issue; it is put there as an artificial barrier to people using the facility. It is time for the Department of Education and Skills to take this on, address it and ensure that such facilities are made available to all of the people in the wider community. I am addressing this issue from the point of view of sporting facilities being available to a community. There is great demand for sporting facilities in areas where there exists in a school a very good facility that could be made far more widely available to the community.

I find that in the current climate, and we will have to consider this for the future, there is no justification for having in this legislation a reference to untrained or unqualified teachers. Given the current climate, and the number of primary school teachers in particular whom I know personally who do not have full-time jobs or even part-time jobs and who are on panels and dependent on an hour here and there, for all types of reasons they are the people who should be given first bite of the cherry. If it is a choice between untrained teachers and the availability of new teachers just out of college then surely the decision has to be in favour of the young teachers coming on board. The Bill uses the phrase, “in so far as possible”. How does one define “in so far as possible”? It is just an excuse to allow this to continue and it should not be part of this legislation.

Deputy Charlie O'Connor: I am happy to share my time with Deputy Michael Ahern. I hope I will be forgiven if I preface my remarks by paying tribute to Deputy Mary Upton. I was shocked, as many were, to hear of her plans to retire.

Deputy Fergus O'Dowd: It is voluntary.

Deputy Charlie O'Connor: I have known her family for many years and I am from Crumlin which she skilfully represents. I have not had the opportunity to wish her well. Some of us may be retired in a more forceful manner but she has done it on her own terms and I wish her well. I hope she does not get into trouble by my saying that.

The Education (Amendment) Bill 2010 provides for direct State involvement in the establishment of primary schools and provides the framework by which VECs become patrons of primary schools. The Bill provides for the dissolution of the educational disadvantage committee and for the provision of the employment of unregistered teachers under specific conditions.

I repeat I am sharing my time equally with Deputy Michael Ahern.

Deputy Ruairí Quinn: He is not from Tallaght.

Deputy Michael Ahern: No, but I am from near Tallow.

Deputy Charlie O'Connor: I hate to say this but I am not from Tallaght either; I am from around here but I have been in Tallaght for many years.

Deputy Ruairí Quinn: What is the name of that place again?

Deputy Charlie O'Connor: I would not be a Dáil Deputy today had I not moved to Tallaght for a job 40 years ago and I am proud of that fact.

As regards this legislation, I cut my political teeth in the education sphere. I was given an opportunity by the then parish priest of St. Mark's, Dr. Richard Sherry, who is now in retirement in Donnybrook, when he appointed me to the local school board. Arising from that interest, I was appointed to the County Dublin VEC in 1985. This was a very important period in Tallaght and the region, and I always respected and applauded the importance of the vocational education committee. It gave me and many other colleagues from all parties the opportunity to work with school principals and school communities and I was involved with many boards. I sometimes regret that the VEC in County Dublin has moved off and a different view has been taken with regard to representation on boards, which may be fair enough. It was, however, an important time in my community and in many other communities for the development of school services. The VEC played a key role in that regard.

The proposals in this Bill are reasonable in respect of County Dublin VEC and they include the involvement of Dún Laoghaire VEC. I do not know the views from Dún Laoghaire but I would hope that County Dublin VEC as we know it, and taking account of the needs of the Dún Laoghaire area, will still be the organisation I have known over the past 30 years. I do not wish to be parochial but I would hope the headquarters will remain in Tallaght. I am sure if Deputy Quinn is in government he will ensure this will be the case.

I support the view expressed by a number of my colleagues, including a former Minister, Deputy Mary O'Rourke, who raised this question about unregistered teachers. This issue is receiving a lot of attention and I am sure the Minister of State, Deputy Seán Haughey, is aware of the issue. One has to be sensitive at a time when anyone involved in education is clearly in need of employment. The point has been made to me by teacher representatives and by others involved in community education that the question of trained teachers should be an important part of Government policy. The point has been made that other untrained persons could find employment in our school system, including supervision. There is a case to be made for trained teachers who have gone through training college and they need employment. Other colleagues have made this point and I suspect the Minister will consider it carefully.

Valid points have been made in the debates on this legislation in the Upper House and here in the Dáil. Like myself, my colleague, Senator Ann Ormonde was a member of County Dublin VEC for a number of years. During the Seanad debate she made the point about the worth of the work of the VEC. The current chairman of County Dublin VEC is Labour Party councillor, Ken Farrell, who is an old friend of mine. He was in Tallaght this morning for the opening of the Brookfield youth and community centre. It is important to speak up for the VEC even though there are views about duplication of services and funding mechanisms. I am a strong supporter of the VEC, not only because I was a member for a number of years but also because I know the work it has done.

My region has a number of community colleges. All the schools in the Tallaght region are doing an excellent job. I refer to the community colleges in Firhouse, Willington and St. Macdara's and the Mount Seskin community college in Jobstown. They do a great job and they reach out to the community in a positive way. I had the opportunity and the privilege to be the founder chairman of Jobstown community college in 1986. Those Deputies who are familiar with Tallaght will know that Jobstown is a challenging area. I will not say which Fianna Fáil Minister it was but Deputies can guess to whom I am referring. This man was of the view that the building programme for that college in Jobstown would not proceed but a strong local fight was put up and the success can now be seen in that college. A number of its students are coming in to see all the local Deputies next week. It is important to acknowledge what the

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VECs have done in many communities. Other speakers have listed the names of all the schools in their areas. If the Acting Chairman wishes, I can name every Tallaght street.

Deputies will be parochial when speaking in any debate on education and will raise issues of concern to them. Deputy Quinn and I shared some Dáil business a few weeks ago on staffing levels and the difficulties at St. Joseph's special school in Balrothery in Tallaght. I know the school appreciates the support. Every school has an issue, a demand and a challenge. We should be brave enough to speak up for schools in our areas which have particular difficulties and challenges. A special school in any community falls into that category.

The newly established VEC should also take account of the developing needs of educational facilities. House building has stalled in my constituency but there are still gaps in education. In Tallaght west and the new City West estates and over the far side to Firhouse, to Ballycullen, there are gaps in educational facilities. I have raised those issues on a number of recent occasions. Educate Together in Tallaght is running a campaign and there is a need for permanent facilities in Holy Rosary school in Ballycra and in Scoil Chaitlin Maude in Knockmore. I hope I will be forgiven if I mention those issues in the context of this Bill.

I hope the Tánaiste will have an opportunity to listen to many of the points which have been made from all sides of the House. I hope she gets it right as it is important for the future of education in all our constituencies that she would do so. I hope she takes account of the concerns which are being expressed with regard to untrained teachers.

Deputy Michael Ahern: Over the past ten years or so, there has been an increase in our population as a result of immigration which has brought significant changes in the ethnic, cultural, religious and language aspects of our society. These changes have had an impact not only on society in general but particularly on education, more so to date at primary level than at the other levels. Also in that period, different structures of patronage in primary schools arose, moving away from the traditional model which had its foundations in the establishment of the national school system in 1831 and under which the patron was the Catholic bishop, Protestant bishop or the head of a religious organisation. Now, with non-denominational and multi-denominational schools, new patronage structures have developed where, for example, the patron is usually a board of trustees, as in the case of Educate Together. Gaelscoileanna may be under the patronage of church authorities but may also opt to be under the patronage of Foras Pátrúnachta na Scoileanna Lán-Ghaeilge Teo, which is a limited company set up for this purpose.

The changes due to population increase and diversity, allied to the indication by the Catholic Church regarding the possible divesting of patronage of some of its schools, and the problems experienced in getting patrons for new primary schools in some areas, place the onus on the Department of Education and Skills to establish a new model for school patronage. In 2007, the then Minister for Education and Science, Deputy Mary Hanafin, outlined a new State model under the VEC. As the Tánaiste, Deputy Mary Coughlan, noted in her speech, the new patronage model is currently being piloted in five locations in counties Dublin, Meath and Kildare. The experience to date indicates that the pilot schools are successfully addressing the changing demands and expectations of the society in which we now live, and the feedback from the key stakeholders, namely, the pupils, their parents, the teachers and school management, is, as the Tánaiste stated, overwhelmingly positive.

Some have raised the concern that the ethos that exists in the majority of the schools in the country would be radically changed by the VECs taking over primary schools. I do not believe they have any real need for concern. The VECs have been in operation at secondary school

level for many years and they have not destroyed the faith, ethos or beliefs of the people who went to school there.

The question of the ownership and control of schools was raised. The Bill sets out that the board of management of a VEC or primary school will be a body corporate with perpetual succession and power to sue and may be sued in its corporate name. The board of management of a VEC-run primary school will not be a sub-committee of a VEC. It shall keep proper accounts and records of expenditure, and ensure the accounts are audited or certified in accordance with best accounting practice. An appeal against a decision of a board of management of a VEC-run school will not be heard by the VEC and thereafter by the Secretary General but will follow the appeal structure of other primary schools.

The INTO is favourable towards the decision of the Minister and argues that this approach reflects the diversity of modern Ireland by accommodating all school pupils in one school. The Irish Vocational Education Association argues the new school model can accommodate the provision of separate religious education to those of different faiths and no faith within the school curriculum. Professor Tom Collins, head of education at NUI Maynooth, is supportive of managing diversity in schools by promoting an intercultural approach. I spent a number of years teaching in the West Indies where there were many Catholics, Protestants, Hindus and Muslims in the same school. Their mixing from a young age meant they grew up knowing each other as normal human beings, and the fact they were of different religions did not mean they were any better or worse than the others. It was very positive for society in the long term to have young people going to school and playing sport together from a young age.

An area that is raising hackles is the question of the registration of employment of non-registered teachers. Under section 30 of the 2001 Act, there was an express prohibition of payment of non-registered teachers from State funds but that section was never enacted. Section 12 of the Bill introduces an amended section 30 of the Act, which generally requires that all teachers be registered but also allows for the employment of non-registered teachers in specific limited circumstances, as the Tánaiste made clear in her speech. To safeguard the standards and quality of education in Irish schools, it is the Government's policy that, in so far as possible, all persons employed as teachers in a recognised school are registered teachers, but it allows for exceptions where there is a need to facilitate the urgent, temporary or occasional staffing needs of schools, the desirability of minimising disruption to the education of students and consideration of the qualifications and, if any, the teaching experience of an unregistered teacher.

Regulations will also be introduced to allow unregistered teachers to teach and these are listed in the following manner: "An unregistered teacher may only", "A school may", "The employment of each unregistered teacher may", "A time limit may", "Unregistered teachers may", and "An unregistered teacher may". When I read the word "may" so many times, I wonder whether this allows for a coach and four to be driven through what was intended.

Deputy Ruairí Quinn: Yes, it does.

Deputy Michael Ahern: I hope the Minister will consider making this area more definitive.

The Bill states that a teacher may be unregistered for a number of reasons. A constituent of mine has a Montessori diploma, a bachelor of theatre studies degree, a master's degree in drama and a postgraduate diploma in education and was registered by the Teaching Council. Due to the fact she had a baby, was out of work for a year and did not register during the year she was out, when she tried to go back to work, the Teaching Council decided she should not be registered again. If she had paid the €90 fee to register in the year she was out of work, she

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would have been able to continue. That is small-minded and against the principle of registration.

I wish to raise the thorny question of young qualified teachers coming out of training colleges and not finding permanent positions in the following years. They need to have the opportunity to gain experience in national schools. One often hears that the vacancies are offered to retired teachers, which there is evidence to support. It is wrong that young teachers should be denied the opportunity to get experience. While they are academically qualified, as in any other profession, they need the opportunity to get work experience. To have them locked out of opportunities is not morally correct. I request the management of schools throughout the country to ensure their first port of call is young qualified teachers who need jobs and experience.

In general, I welcome the Bill. I hope the Minister will take note of queries that have been raised from both sides of the House to improve it. The enactment of the Bill will progress the education system.

Deputy Michael D’Arcy: I begin with a word of thanks to the religious orders which provided top class education over many generations. It is appropriate that their service be recognised. It was a service and a vocation for many.

Unfortunately for the good ones, a small number of bad ones sullied their reputation.

Given that 92% of primary schools have bishops as patrons, dioceses continue to maintain a strong grip on primary education in this country. At the beginning of the second decade of the 21st century, it is time we moved education provision away from the religious and towards the State. I am not satisfied with the structures of boards of management at primary level. The fact that two staff members who are in the employ of the patron and two representatives of the patron, one of whom is the chairperson, comprise one half of the eight members of a board ensures that the religious retain control. That is no longer acceptable.

Many first class people sit on boards of management in the interest of their children’s education. However, these people are not invited to participate in interview panels for the hiring and firing of teachers. As a former chair of County Wexford VEC, I have form in this area and I clearly recognise the benefits to be gained from people who are willing to participate. Thankfully, I was never involved in the firing of a teacher. It is not easy to hire staff and the community as a whole should have a greater input into hiring decisions rather than leaving it in the hands of religious orders. Particularly in our current economic circumstances, parents want to give their children an education so they can achieve more than previous generations. While I would not go as far as to describe parents as aggressive, they are certainly less docile with patrons or boards of management than they were in the past. We should use their strengths to good effect.

One of the best examples I can offer of proactive parents involves the national school in a little place called Ballythomas, in which my father — a former Member of this House — and I were educated and which my children are currently attending. The school was housed in the old standard 1900 building, with walls two feet thick. The community had the choice of either using a funding provision of €120,000 to construct two additional classrooms or using the money to build an entirely new school. It was decided to build a new school with four classrooms and an area 5,500 sq. ft. I wish to take this opportunity to thank the parents of the community for their outstanding efforts in raising almost €200,000 out of a total building cost of €480,000.

The Bill before us will allow VECs to become patrons at primary level, which is to be welcomed as a step in the right direction. Equally, however, we need to be careful because, while VECs have been providing secondary education for decades, they do not have expertise

in primary education. We must provide them with the expertise and knowledge they need to ensure a smooth transfer of patronage. Furthermore, we must avoid replacing the religious structure with another closed shop. I acknowledge that local authority members and staff representatives are included on the boards of VECs but we must tap into the pool of eager and willing parents. Educate Together has been very successful in including parents on boards of management.

Although I have cautioned against overlapping services on many occasions, I hope that the merger of VECs in my area of Wexford and Wicklow results in a cohesive structure. Having participated in the development of Fine Gael's policy on county committees for education, I think we should consider such a structure for primary as well as secondary education. The current structure sets one school against another and every Deputy has been lobbied by boards of management. Nobody knows why one school is on a list when another is left out. A county structure would allow us to decide how to prioritise schools based on their facilities and needs. This would assist public representatives in making representations to their local bodies when something is untoward or unreasonable instead of forcing them to go in different directions. When Deputy Brian Hayes visited the biggest school in the country, Gorey Community School, of which I am a former board member, I advised him that we should develop these structures in order to provide clarity on funding for school buildings and extensions.

Fine Gael and the Labour Party have each developed policies on Educate Together patronage at the post-primary level. I give Educate Together my full support as a patron of secondary schools and I ask why this Bill is not being used to advance its cause.

Deputy Ruairí Quinn: It is not necessary.

Deputy Michael D'Arcy: I realise that but we were told previously that legislation would be required. This Bill is the perfect vehicle for progressing the Educate Together patronage model because it will not flounder in the House for years. In my home town of Gorey, there is competition for patronage of a new post-primary school. I did not realise until I met representatives of Educate Together that I signed the application for County Wexford VEC to become the patron of the second post-primary school in Gorey. I had forgotten I signed it, in my then capacity as chairman of the VEC, until they reminded me of it. I support the VEC fully. I hope it will become the patron of the new school. Equally, I suggest that post-primary patronage by Educate Together, which is a larger question, should happen sooner rather than later.

I wish to reflect on an aspect of the post-primary education provided in Gorey Community School. Deputies might be aware that it is the largest school in the country. Its operation is a magnificent social experiment. I appreciate that it was not started with that in mind. Everybody in the Gorey area goes to the same school, regardless of social class or the primary school they attended. In my view, they all merge extremely well together. My criticism is that the school is so large that square pegs sometimes have to be put in round holes. There can be occasions when students fall through the cracks caused by the size of the school. That is why I am delighted that an announcement on the establishment of a second post-primary school will be made next week, if not before the end of this week.

When I attended my nephew's 18th birthday party in recent weeks — it had been a while since I attended such a party — I noticed a great mix and camaraderie among the students who were in attendance. It is probable that it did not exist in the past, when boys and girls attended separate schools. The system that was in place was almost one of apartheid. The social mix in the secondary school in Gorey is outstanding. I am pleased that the “good school, bad school” mentality which exists in many rural towns does not exist in Gorey. There is no percep-

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tion that one social class should go to a certain school and another social class should go to a different school. It is a step in the right direction at this stage in our social development.

There can be no doubt that the ownership of schools, which has been mentioned, should be transferred directly to the State. The Department of Education and Skills pays all the wages. In our case, it provided the vast majority of the funding for the development of our premises. In the vast majority of schools, the State provides the money. The transfer should be clean and immediate. I would like it to happen sooner rather than later.

I am not too pleased about the transfer of authority over speech and language services from the Department of Education and Skills to the HSE. I assume, knowing the way things are done in this country, there has been no geographical analysis of the services that are available on a county by county basis. I am familiar with what is happening in the HSE and the legacy of speech and language services in County Wexford. We are a long way behind the other counties in the south-east region. The local health board was traditionally based in Kilkenny, which has a much bigger number of staff providing speech and language services than Wexford. The regional hospital is located in Waterford, which also has many more services than Wexford. The reason in both cases relates to legacy issues.

When one questions what will happen in the speech and language area, one is not given an answer. If the entire speech and language regime is to be transferred from the Department to the HSE, I will go along with it as long as a full assessment is produced to show it will lead to a level playing field for students. If these services are to be retained as they are currently constituted, however, I will not go along with it. The legacy of the existing system is that children in my local area do not get the speech and language services they require on a par with children in other counties. When one asks questions about the shortcomings in the system, one does not receive any answers, other than to be told “that is the way it is” or “that is the legacy”, which is not acceptable.

I would like to speak about the employment of unqualified teaching personnel. I fully support the proposal that priority should be given to teachers who are not in employment, as opposed to teachers who have retired, when teaching opportunities arise. I hate the use of the term “who are unemployed”, as it is better to say “who are not in employment”. Hundreds of positions are being filled by retired teachers at present. I accept it can be difficult for school managers to ensure a teacher is available at short notice, for example, if a member of staff is sick. Boards of management and VECs should make a genuine effort to ensure such positions are offered to teachers who are looking for employment. The Minister said yesterday that the Department has sent a circular letter to that effect to schools. Retired teachers who received lump sum payments at the end of their teaching careers, and are now claiming pensions, should not be offered these positions.

Having said that, we should be careful not to box everything into pigeon holes. I would like to qualify that. If an experienced or retired teacher is required to deal with a student with particular learning or educational disabilities, it is important that we allow such a teacher to be brought into a school. That is the exception — it is not the rule. We need to ensure it is underpinned by legislation.

I have spoken about speech and language services. As somebody who is familiar with such services, I ask the Minister and the Department to scrutinise closely what is available. These services have not been provided to a member of my family, unfortunately. I have also spoken about the patronage issue.

It is unfortunate that practically all students in some areas come from an immigrant background. Ireland is good assimilating people well. The ghettoisation of children through the

school system should not be happening at all, but that is what has happened, in effect. I have a real difficulty with it. I am annoyed by it because a child does not know he or she is from an immigrant background until he or she is shoved into a particular area and told he or she has a different ethnicity from most of society. Pupils who attend schools that accept children from many ethnic backgrounds are assimilated very well. As I said earlier, parents have no choice in places like Gorey where there is just one school. They do not have the luxury of sending their children to the local good school rather than the local bad school.

I hope my views on the establishment of county education committees are considered. It would be a positive development to put in place a body to liaise between various interests in each county when educational and other disadvantages, such as problems with speech and language services, arise in the locality. Such a structure would allow all parties in the county to speak with a unified voice when the Department needs to be contacted. We need to ensure action is taken in areas that are disadvantaged for various reasons — there may be legacy issues or a failure to fill positions, for example.

I welcome this Bill, which would represent a perfect vehicle for legislative underpinning of the decision to allow Educate Together to become a post-primary patron. I have been told that such legislative underpinning is not required, but it would be better in the greater scheme of things if it were done. Similarly, I welcome the decision to allow the VECs to become primary school patrons.

Deputy Mary Wallace: The Bill before the House will pave the way for VEC involvement in primary education, thereby creating a welcome community national school model. As someone who lives in the fastest growing area in the country, where we seem to spend all our lives being involved in the building of new schools, I am particularly interested in such a model. We were quite shocked in our parish when the bishop advised us that he would not be involved in the patronage of the next primary school, as he believed that the management of four primary schools in our parish was sufficient and if a fifth primary school was required, the patron should come from elsewhere. At the time we wondered where it would go from there as we were conscious of the great work done by the Catholic Church in the management of our schools and that the Catholic Church manages 90% of the primary school sector. We were also conscious that the State did not have an alternative system of school patronage of its own, although we were aware of the pilot scheme that had commenced in the Dublin area and that, some day, it would be necessary to bring forward the legislation to underpin this community national school model. This is the legislation we are debating.

Five schools operating under the pilot community national school model in counties Dublin, Meath and Kildare have opened in the past few years and it is also important that these schools are underpinned by legislation. I commend the Minister and the Department of Education and Skills for bringing forward the Bill, as it is necessary to address the issue where the current system could not require a patron to establish a school and where there was no mechanism for the establishment of a school if there was demand for it in a particular location.

The existing system supports the establishment of many schools by An Foras Pátrúnachta, Educate Together and others. The Educate Together movement has established 58 schools and 138 gaelscoileanna under Foras Pátrúnachta are also in place throughout the country. It is essential this new community national school model complements other models rather than replaces them. The VEC has proved itself to be hugely successful at secondary level and, as a result, there is no reason for the State not to become involved at primary level.

The Bill also provides that boards of management of schools under the new patronage model will operate in the same way as those in primary schools generally rather than under the governance model used in post-primary VEC schools. The board of management of a school

[Deputy Mary Wallace.]

established under this legislation will not be a sub-committee of a VEC, as is the case for post-primary VEC schools. Most important, this means that teaching and non-teaching staff will be employed by the board of management in the same way as other primary schools and the board will receive capitation and other funding directly from the Department. I am relieved about this, as I am not sure about the existing system at post-primary level where teachers move from one school to another within the scheme. Perhaps the Minister might clarify in her response that this will not apply at primary school level. In other words, as I understand it from the Minister's explanation, staff at primary school level in the community national school model will be employed directly by the board of management and, therefore, the movement of teachers between schools that applies at post-primary level within the system will not apply at primary level in the new community national school model.

I also want to raise the issue of gaelscoileanna. While I am delighted with the new community national school model, I continue to have the same concern I had last May during the debate in the House regarding patronage when I expressed concern that no new gaelscoil had opened in the past three years. We have to address this issue. I referred earlier to the decision by the Catholic Church not to be a patron of the fifth school in my parish if it was required. At the time, based on the pupil-teacher ratio of 25:1, it appeared that a fifth school might be required. The view locally following the bishop's decision was that the provision of a gaelscoil would be a good option should the demographic need require a fifth school. In the meantime, the pupil-teacher ratio changed to 28:1 and the existing eight junior infant classes were able to take three extra pupils each catering for an additional 24 five-year olds, thus meaning that the existing schools could cater for the five-year olds presenting for education.

However, a gaelscoil had commenced without recognition and nine pupils attended the new school. The Department advises that it is not possible to give recognition to this school while there are vacant places in the existing schools. In the current financial climate, it is difficult to see the taxpayer providing a new school against the demographic need and I understand that. However, it is also understandable that the gaelscoil movement has concerns that no gaelscoil has been approved throughout the country over the past three years. Has there been an application for a gaelscoil during that time in any part of the country where there was a demographic need for a new school? The Minister and her Department are not militating against gaelscoileanna but it is important that this matter be clarified. The sense I have about this issue is that the Department does not oppose gaelscoileanna and its issue is the demographic need. If so, there is a need to clarify that no application for a gaelscoil has been made where there was a demographic need. I want to give the Department and the Minister an opportunity to demonstrate their bona fides on this issue. That is the concern of the gaelscoileanna movement because it has not received approval for a school over the past three years. While we continue to discuss the demographic need issue with its representatives locally, it needs to be clarified.

Last month, I tabled a parliamentary question in which I asked the Minister the reason Gaelscoil Rath Tó was initially denied recognition when the VEC was named as its patron, yet the newly opened primary school in Navan under the patronage of the same VEC has been granted full recognition. I was informed by her that while the initial application to establish Gaelscoil Rath Tó was submitted to the Department, the position was the VECs did not have the legal right to act as patron in the primary sector at the time. The community national school in Navan was established under the interim patronage of the Minister while this Bill was being prepared. She also pointed out that, while the Commission on School Accommodation is reviewing the procedures for the establishment of new primary schools, no new schools will be established unless needed for demographic growth reasons. Along with the review of the

Commission on School Accommodation, the legislation before us is just one of several measures being progressed by the Government to cater for changes in our education system.

There have been numerous developments in recent years in widening the number of school patrons together with developments in areas of population growth such as the area I represent. Archbishop Diarmuid Martin indicated that the church was willing to release schools from its patronage where there is demand for such a change. It is important, as previous speakers said, that there is full consultation with the patron, the management of the school and staff before a decision is taken on handing over patronage from the Catholic Church. We must listen to the views of the communities involved and whether they feel there is a demand for a new patron and where demand exists, the legislation provides another option for such communities. I am fully supportive of the VEC model. The VEC has a proven track record following the two-year long pilot community national school model.

Over the past several years, it is apparent that this country's population has increased, particularly in my area, but, more important, it has also grown in diversity. This means we not only require more schools but also a different schooling system to coincide with this new, diverse and continually growing demographic. After the announcement that the bishop's patronage of many primary schools would come to an end, many of us were concerned about who would step in and continue the excellent path that the Catholic Church had forged in the primary school system.

Thankfully, we found a solution that has proven successful, yet, at the same time, that is a fresh approach to primary education. The VEC has made an important contribution to the education system at secondary level. The system is well placed to accommodate primary school students. One of the main reasons the VEC method is such an effective option for education is it reaches out to a variety of parents and students. It maintains the educational standards that the Catholic Church has set and, equally, it recognises the wishes of parents to have their children receive faith-based education as part of the curriculum. Since our population will most likely continue with its diversification process, the VEC is an excellent way to ensure that a majority of the population receives the education it both needs and desires.

The VEC is a willing patron to pick up where the Catholic Church left off but as a State model of education. The VEC is not attempting to replace any of the flourishing primary schools that have been established, rather it is attempting to work alongside those schools as a workable option for primary education.

Based on my experience in this area, I am delighted this legislation is going through the House at this time. I wish the VEC system every success with the new community national school model and I wish the Minister and the Department every success with its implementation.

Acting Chairman (Deputy Jack Wall): The next speaker is Deputy Neville and I note he is entering the Chamber.

Deputy Fergus O'Dowd: Tá sé ag teacht.

Deputy Dan Neville: I was getting information on the Bill from the Oireachtas Library. I was informing myself on it in more detail as others have done.

Deputy Conor Lenihan: Very good.

Deputy Dan Neville: I welcome this opportunity to speak on the Bill. My party welcomes the core objective of it. I have had more than 25 years' experience of the work of my local vocational education committee and its involvement in education in my county. I have nothing

[Deputy Dan Neville.]

but the height of praise for the work it is doing, the VEC's commitment to education in our county and for the leadership of its CEO, Mr. Seán Burke. He has the height of respect and praise from people involved in the education area in the county. His heart is in the right place. He has a difficult job to do and he has an enormous commitment to this area. I met him here today, he having come here to lobby the Minister for Education and Skills to ensure services are improved in the Limerick constituency.

I welcome the further involvement of the vocational education committees in education and, in particular, this opportunity and movement towards being involved in primary education, which is so important for the future of our children. Basic education at primary level is important, as is second level, third level and further education, which encompasses the training area, but if one does not receive a basic primary education and the skills obtained at that level, the opportunity for one to progress to further education is severely limited. I will focus on this area later in the context of special needs education and the importance of it for young people who benefit greatly from the work done in that area.

The Fine Gael Party is concerned about the issue of untrained teachers involved in education. Education is an important issue and it is important that those who impart knowledge to our children and young people have the qualifications and skills required to do so. Would one allow a person who is not fully qualified as a doctor to operate as a doctor? I could go through all the professions in that respect. A farmer would not allow a person who is not fully qualified as a veterinary surgeon to diagnose an animal in his or her herd. There are some professions where this practice happens; it is not exclusive to the education area. I am concerned about other areas where this happens, especially in psychotherapy and counselling services in which many untrained people are involved. We were promised movement to address that but this is not the issue on which I am speaking. I am speaking about education and I want to ensure that those who impart knowledge to our children and young people are qualified.

The other side of that coin is that unemployed trained teachers are available to work and they have not had the opportunity to develop their skills. They have the required knowledge and a level of skills but obviously experience is important, as is the case in any position. In the period after I was first elected to this House two decades ago, I was on a learning curve. Everyone who moves to a new area of work is on a learning curve, regardless of his or her knowledge and qualifications. These young teachers are not getting the opportunity to obtain that level of skill.

Tens of thousands of qualified graduates who are registered with the Teaching Council cannot obtain positions at present. It is important for the future of our education system that those people remain in this country, that they feel they are welcome here and that they do not believe, as many do, that their only course to having a livelihood and engaging in their profession is to emigrate to where work is available abroad while at the same time unqualified teachers are practising here.

The Minister should respond on this issue. I understand that more than 300 unqualified personnel acted as teachers in classrooms last year. Qualified teachers pay €90 per year to the Teaching Council, a body put in place to advance the teaching profession. Members of it see teaching positions being taken up by people who are not qualified to be members of the Teaching Council. Many teachers resent having to pay this annual fee for recognition as a teacher when people with no qualifications can pick up work in schools. It undermines the teaching profession. It underlines Government policy on the advancement of education in making legal provision to pay people who are not qualified to work in this area.

I cannot accept that a school principal cannot find a qualified person to work in the school, even at short notice. While the Irish Primary Principals' Network have a texting operation, Deputy O'Dowd, our spokesperson on this area, made an important point in his contribution, namely, that there could be a database of teachers available to do temporary teaching, which could be accessed, and if there is not, it should be compiled. In other words, there would be such a database and a principal with a vacancy could look up the database to see who is available and would be able to obtain a contact number. It would be as simple as that. The Minister will find that teachers will travel to obtain experience to ensure they get that opportunity for the development of their careers. Some principals want a teacher living within a one, two or three mile radius of the school but all teachers who are qualified and who are not working should have an opportunity to take up those positions. The one question that is asked in every interview, regardless of the job, is what experience does the interviewee have. We have all seen young people going for jobs and the first question they are asked is what experience they have. They are out of college. There are unemployed people who have experience in many areas and most professions. They apply for the jobs and have the advantage over the graduates but those in the teaching professions should get an opportunity to obtain some experience through temporary work when it arises in whatever location. Some principals might say they would be flooded with applications but there are ways and means of reducing the number of applications. Having been involved in recruitment in a previous life, the procedure followed is that one draws up the criteria required to meet the specific conditions of one's school, examines the curricula vitae submitted, identifies the applicants who meet the criteria outlined and calls 15 or 20 of them for interview.

Having studied the area of special needs over the years, I have been able to observe the success of special needs assistants, speech and language therapy and so forth. Speech and language therapy has made an enormous difference to young children. Communications are key to the future development of young people. The first line of communication is one's language, voice and communications skills. I read recently about children who had been almost unable to communicate through language and following speech and language therapy were able to communicate, speak in sentences and articulate concepts.

While one cannot have equal opportunity for everybody because people have different qualities and skills, we should ensure that children have access to the best educational inputs available to enable them to take maximum advantage of life, subject to their individual limitations.

I am concerned that cutbacks in special needs provision will inhibit opportunities for many children. Some of those who are not afforded assistance and do not have an opportunity to fulfil their potential often have difficult lives subsequently. They may experience communication problems, difficulties in relationships or problems securing employment or may become frustrated with life. Unfortunately many of them fall through the net and become involved in anti-social behaviour.

On the topic of anti-social behaviour, I read recently that many of those who have difficulty in school express their needs through anti-social behaviour. The approach recommended was not Garda intervention but taking the young people in question aside and identifying and addressing their problems. The Garda must intervene in some cases and two or three anti-social behaviour orders, ASBOs, have been issued since they were introduced with great fanfare by the former Minister for Justice, Equality and Law Reform, Mr. Michael McDowell, who claimed they would solve the problem of anti-social behaviour.

Deputy Ruairí Quinn: That was untypical of the former Minister.

Deputy Dan Neville: While I presume his heart was in the right place on the day in question, whatever about the days thereafter — he often used to change his mind — anti-social behaviour orders are reasonable in the case of certain individuals. However, the vast majority of young people engaged in this form of behaviour have special needs difficulties.

In recent years, schools have been developing inputs to assist young people with special needs at a crucial time in their education. The withdrawal and reduction of these supports will have serious consequences for the individuals in question in terms of life opportunities and for society because in some cases the anti-social behaviour will develop into criminal activity. Early intervention for children with special needs delivers a long-term return for the State, for example, in the penal area.

As the Minister of State will be aware, the debate about increasing what the Government describes as registration fees for third level education — they are registration fees in name only — has given rise to serious concerns. When third level fees were abolished in 1996 a student service charge of £150, equivalent to €190, was introduced. Over the years, this charge has had many different names but is colloquially referred to as the registration fee. The student service charge is, in the words of the Tánaiste and Minister for Education and Skills, Deputy Mary Coughlan, designed to defray the costs of examinations, registration and student services. Clearly, this is not the case given that a significant proportion of the charge is devoted to purposes other than those outlined by the Minister.

In 2009-10, when the student service charge was increased by €600 from €900 to €1,500, the range of services it could be used to fund was expanded to include core academic functions such as library and information technology services. The charge has been increased every year since its introduction, apart from 2003-04 and 2010-11. However, it must be noted that the absence of an increase followed increases of 94% — from €396 to €670 — in 2002-03 and 69% — from €900 to €1,500 — in 2009-10.

Since its introduction the student service charge has increased 13 times, amounting to a 689% increase in 15 years. To compound matters there is no definition of what precisely a student service is and what services can be funded from the charge. The Comptroller and Auditor General, in his special report on resource management and performance in the university sector, found that the full economic costs of the services to which the service charges are linked cannot be readily identified from the financial statements of third level institutions in the current format.

At a meeting of the Joint Committee on Education and Science on 28 January 2010, it emerged that the accounts of Trinity College Dublin revealed that money from the student service charge was being used to fund the bio-resource unit, a centre for the preparation of animals for scientific testing and experimentation. During the same meeting, Mr. Tom Boland, chief executive officer of the Higher Education Authority, admitted that institutions were free to fund a wide range of activities from revenue generated by the student service charge. He stated: “There is no definition in the sense of what a student service is.” It would be much more honest to change the name of the student service charge to “student fees” because that is precisely what they are. We should call a spade a spade. While the original purpose of the charge was to provide services for students, the charge has evolved into student fees.

The Tánaiste and Minister for Education and Skills, Deputy Coughlan, and her predecessor, Deputy Batt O’Keeffe, continue to insist that the student service charge does not represent the total allocation towards student services from institutions’ budgets. This probably is because the Government is diverting such funding away from student services. When the student service

charge was increased to €670 in 2002, the colleges only pocketed approximately 6% of that increase and the remainder went towards the reduction of the core grant from the then Department of Education and Science. In other words, the student service charge went to defray and reduce funding from the central budget.

Moreover, the university presidents have gone on public record stating that when the student service charge increased, they used it to fund other activities. Professor John Hughes, President of NUI Maynooth, stated: “We agree with Deputy Hayes [of Fine Gael who had stated] that when the core grant has reduced on occasion, the student services charge has increased to offset the reductions in the core grant, but the universities have not been involved in [the] decision [to do so].” The former president of DCU agreed with this statement and stated: “It is a wholly unacceptable situation and the position students are in is terrible.” As reductions in the core grant and increases in the student services charge take place, it is inevitable that one must consider how income from those two sources is being distributed. If one source is reduced while the other increases, redistribution will be necessary. It would be a lot more honest for the Tánaiste to acknowledge that student fees have been introduced, rather than calling it what it is not, namely, a student service charge.

Deputy Joe Costello: I am delighted to have the opportunity to speak on the Education (Amendment) Bill 2010. The purpose of the Bill obviously is to provide some direct State involvement in primary schools. For the first time, a new model of patronage and the vocational education committees, VECs, will be the vehicle to establish, build, run and provide the patronage system for the schools concerned. Its second purpose is to abolish the educational disadvantage committee and its third purpose, which is the sting in the legislation’s tail, is the proposed amendment of section 30 of the Teaching Council Act 2001 to allow for the statutory employment of unqualified, unregistered teachers.

Nevertheless, the main thrust of the Bill pertains to the proposed new patronage model. It would, for the first time, extend to the VECs the opportunity to engage on a statutory basis in providing patronage for primary schools. This would extend to eight the number of patrons that are involved in primary schools at present. In a way, this is unique because the vocational education committees are the exception in Irish education. While all education is funded by the State, the VECs are the only State bodies that have been established specifically for the delivery of education at second level. If one considers the development of the education system from the Stanley letter of the 19th century onwards, the patronage of primary education has been controlled by the Catholic and Protestant churches. Second level education has developed in a similar manner with secondary schools, diocesan schools and religious schools, as well as grammar schools on the Protestant side. Even third level education has developed along similar lines with the Catholic university of the NUI and with Trinity College on the Protestant side. Overall, Irish education has had a religiously-dominated patronage and governing system.

It was not until the enactment of the Vocational Education Act 1930 that for the first time, the new State became directly involved in education. Interestingly, at the foundation of the State, when establishing portfolios the first Dáil decided not to have a Department of Education at all. The founding fathers of the country decided in their wisdom, dare I say hardly in their republicanism, that there should be no Department of Education because that effectively was the remit of the churches. Churches had this responsibility and guarded jealously and carefully the remit that had been given to them in respect of education. The founding fathers of the State did not see fit to establish a Department of Education but established a Department of Irish instead. This was as far as they went in providing a Cabinet position. This was a

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rather bad start and it was not until 1930, when a serious gap in the education being provided became evident with regard to manual skills, trades and apprenticeships, that it was decided that the State itself could get involved in this area. The churches did not want it as it would not provide priests, brothers or schooling that was suitable for future leaders of the country. However, the working classes needed some training and, therefore, the Vocational Education Act was enacted and education was extended at a second level outside the remit of Catholic patronage.

For the first time, a democratic structure was established with local councillors and the VECs themselves to provide a system of education that was more trade and manually orientated than anything that had existed heretofore. This then developed in the context of the Dublin Institute of Technology and the regional colleges and now finds expression in the institutes of technology. The country had an alternative pathway of education, of which the churches neither sought nor insisted on the patronage. For example, the VECs have chaplains, rather than having parish priests, who are the chairmen of the boards of primary schools. It certainly has been something of a historical anomaly in respect of the provision of education. In a way, it is to be hoped the introduction of this legislation will bring the VECs into the daylight and into the mainstream of the provision and patronage of education. It is a model that may well move forward and expand in the years to come.

In addition, I have described how the system developed in an *ad hoc* fashion. Consequently, there are gaps all over the place and the current position must be considered. For example, in the primary sector the Catholic and Protestant churches find it extremely difficult to provide the patronage as they are too extended and have too few personnel coming on-

7 o'clock

stream. Moreover, there is a huge voluntary requirement in that respect. However, this is only happening because of the pressures that exist. It is not happening in an organised fashion or being planned and it is neither holistic nor comprehensive. The Tánaiste and Minister for Education and Skills should take on board the recommendations of the Archbishop of Dublin, Diarmuid Martin, to have a patronage forum in respect of primary education. There now are eight separate patron bodies and without knowing exactly how matters will work out, we should look back before moving forward with another patron or another *ad hoc* solution. Instead we should carefully examine our current path while recognising that the old system that operated for the entirety of the 20th century will no longer function and that a new system is needed. Moreover, it should be recognised that a new system is required, rather than simply a new individual part to it. I advise the Tánaiste to respond in that fashion. I acknowledge there has not been a great response from the Tánaiste to date but perhaps——

Deputy Conor Lenihan: We did have a patrons' forum in Kilmainham, which I attended along with the Minister for Education and Skills, Deputy Hanafin. We fulfilled one of Deputy Costello's demands.

Deputy Joe Costello: There was a patrons' meeting.

Deputy Conor Lenihan: No, it was a forum.

Deputy Joe Costello: It was called a forum.

Debate adjourned.

Message from Select Committee

Acting Chairman (Deputy Charlie O'Connor): The Select Committee on Justice, Defence and Women's Rights has concluded its consideration of the Criminal Law (Insanity) Bill 2010 and has made amendments thereto.

Private Members' Business

Reform of Structures of Government: Motion (Resumed)

The following motion was moved by Deputy Howlin on Tuesday, 9 November 2010:

That Dáil Éireann:

- concerned that the sudden and calamitous change in our economic fortunes, coupled with revelations of waste of public money and resources, has undermined public confidence not alone in the present Government but also in the structures of government;
- recognising that fewer and fewer people feel any sense of ownership of their politics and that we need to bring about a more practical democracy, that empowers citizens and ends the sense of exclusion of so many of our people, and to ensure that individuals have a far greater involvement in the decisions that shape their lives;
- acknowledging that a process of renewal must commence with the Oireachtas itself and with fundamental reforms of our national parliament and its procedures, so as to meet the needs of the Irish people in the 21st century;
- believing that the principles and practices underpinning accountability in government and in public administration also need radical reform and that legislation and constitutional measures guaranteeing the primacy of the public interest must be put in place as a priority; and
- affirming that the abuse of the whip by the parties in Government, as exemplified by the recent dismissal by the Government majority on the Joint Committee on Agriculture, Fisheries and Food of the Ombudsman's special report on the lost at sea scheme, is utterly destructive of attempts to secure the accountability of the Government to the Dáil as required by the Constitution;

calls for the introduction of a programme of reform that would include at a minimum the following elements:

- legislation on the issue of cabinet confidentiality, to ensure that it cannot be used to cover up necessary investigations;
- the restoration of the Freedom of Information Act 1997 to its original form and scope and the extension of its remit to the Garda Síochána and other public bodies;
- the introduction of whistleblowers legislation;
- spending limits for local and Presidential elections and the reduction in the ceilings for European and general elections;
- reform of the system of appointments to State boards to ensure that the process is transparent and that those appointed have the requisite knowledge and skills;
- legislation to further restrict contributions to political parties and candidates and to require greater disclosure of donations;

- repeal of the Official Secrets Act 1963, retaining a criminal sanction only for breaches which involve a serious threat to public policy (the international relations of the State, the conduct of a fair trial, national security and the like);
- a statutory register of lobbyists and rules concerning the practice of lobbying;
- rules to ensure that senior public servants (including political appointees) cannot work in the private sector, in an area involving a potential conflict of interest with their former public employment, until at least two years have elapsed;
- a 50 per cent increase in Dáil sitting days, with sittings four days a week, a shorter summer recess and significantly reduced breaks at Christmas and Easter;
- a break-up of the Government monopoly on legislation and its stranglehold over the business of the Dáil;
- a restriction on the use of guillotine motions and other procedural devices that prevent full debate on bills and other measures;
- a petition system for the Dáil, similar to that operating in the European Parliament;
- an independent Fiscal Advisory Council, separated from decision-makers in government, to undertake fiscal macro-economic projections and monitoring, independent of the Government and reporting to the Dáil and the public;
- bring forward the annual Estimates cycle, so that it becomes more timely and relevant, with the Book of Estimates accompanied by a detailed performance report on what the previous year's spending had achieved;
- Oireachtas Committees to be given powers to publish reports on the economy, efficiency and propriety of the Estimates and to give the Dáil an assessment and evaluation of the merits of individual expenditure proposals;
- a role for the Ceann Comhairle in deciding whether a Minister has failed to provide reasonable information in response to a question;
- a repeal of the 'gag' clause that applies to the officers of public bodies and prevents them from expressing an opinion on the merits of Government policy;
- a requirement that the Attorney General's advice to Government be published if it is publicly relied upon as justifying or requiring the passage, defeat or amendment of a bill or the development or amendment of a policy or programme, unless the advice is given in the course of litigation or in relation to pending or contemplated litigation;
- the provision of adequate powers for parliamentary inquiries into matters of public interest and importance, if necessary by an amendment to the Constitution; and
- a reformulated code of laws, replacing both the Ministers and Secretaries Acts 1924 to 2007 and the Public Service Management Act 1997, which would spell out the functions, powers and duties of Ministers in charge of each Department of State; the law that defines the relationship between Ministers and their Departments to enshrine three basic propositions:
 - if the Minister takes a decision personally, he or she should say so and account for it;
 - if the decision is taken by the Department, under a delegated power, then the relevant, named official should say so and account for it; and

- the Minister would then have to account for the degree of supervision he or she exercised over the Department in relation to the exercise within it of delegated powers;
- legislate for a system of delegation of specified Ministerial powers to specified officers who would, to the extent of the authority delegated to them, be accountable within the Department and directly to the Oireachtas for the exercise of those powers;
- ensure that each Minister is responsible for the supervision and oversight of his or her Department to ensure that adequate standards are maintained; outputs are delivered as determined or agreed; and procedures are in place to enable the Minister to respond to problems of administration and to give an account to the Dáil and to the public generally;
- the responsibilities of Secretaries General to be strengthened by assigning to them authority and accountability for ensuring that the Department and its officers perform their functions in a non-political and impartial manner, in accordance with law and with the highest ethical standards of conduct and integrity and in accordance with any prescribed code of conduct;
- the Secretary General to be required to ensure that risk management and other internal controls are in place so that public funds are safeguarded; functions are performed effectively, efficiently and economically; laws, regulations and approved policies are complied with; and records and reports are adequate, reliable and accurate; and
- the Secretary General to be given specific responsibility for ensuring that legal advice or opinion is brought to the personal attention of the Minister if it casts substantial doubt on the constitutionality or validity of a statute, statutory instrument or departmental scheme, practice or course of action.

Debate resumed on amendment No. 1:

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

- “— welcomes the commitment in the Renewed Programme for Government to increase transparency by putting as much information as possible on appropriate Government websites to inform the public of the workings of Government and State institutions, by expanding the Freedom of Information Acts to include specific administrative matters in An Garda Síochána, and by legislating to prevent employers in the public and private sectors from retaliating against employees who, in the public interest, disclose misconduct;
- recognises that legislation already provides for spending limits for local, general, European and Presidential elections and welcomes the commitment in the Renewed Programme for Government to provide for further controls on political donations;
- welcomes the commitment in the Renewed Programme for Government to provide for regulation of lobbyists and notes the need for appropriate advancement of this based on the studies undertaken and emerging international experience;
- welcomes the commitment in the Renewed Programme for Government to introduce a more open and transparent system for appointments to public bodies;
- welcomes the commitment in the Programme for Government to extend the provisions of the Code of Conduct for Civil Servants in relation to the acceptance of outside appointments and of consultancy engagements following resignation or retire-

ment to all public servants in designated posts so as to ensure that they shall not within twelve months of resigning or retiring from the service:

- accept an offer of appointment from an employer outside the Civil Service where it is deemed to create a conflict of interest; and
- accept an engagement in a particular consultancy project, where the nature and terms of such appointment or engagement could lead to a conflict of interest, without first obtaining approval from the Outside Appointments Board;
- welcomes the Government’s tabling of a Dáil reform package aimed at improving the efficiency of the Dáil’s procedures, the relevance of the Dáil in terms of addressing issues of topicality and concern to Members, and the family-friendly nature of Dáil sitting times, and acknowledges the effort by Government to achieve a consensus on this reform package;
- highlights the comparative analysis carried out by the Houses of the Oireachtas Commission in its 2009 Annual Report which shows that the Oireachtas “performs well when benchmarked against other national parliaments in terms of total sitting days and sitting hours”;
- notes that measures have already been put in place to improve the budget process, including the introduction of a unified Budget and the development of Annual Output Statements, and that a range of appropriate structural reform measures will be put in place in the context of the forthcoming Four Year Plan to improve performance budgeting and the Estimates processes; and
- notes that there are already ample provisions in the Public Service Management Act 1997 to allow a Secretary General or Head of Office to:
 - manage the Department/Office, implement Government policies appropriate to the Department or Office, monitor Government policies that affect the Department/ Office and deliver outputs as determined with the Minister of the Government having charge of the Department/Office;
 - provide progress reports to the Minister on the implementation of the Department’s Strategy Statement annually or at such intervals as the Government may direct;
 - provide advice to the Minister on any matter affecting or connected with the responsibilities of the Department/Office;
 - ensure that the resources of the Department/Office are used in a manner that is in accordance with the requirements of the Comptroller and Auditor General (Amendment) Act 1993; and
 - assign responsibility to other officers of the Department/Office.”

Minister of State at the Department of Enterprise, Trade and Innovation, (Deputy Dara Calleary.)

Acting Chairman (Deputy Charlie O’Connor): We resume the debate of which ten minutes remain in this slot. Deputy Phil Hogan is the next speaker.

Deputy Phil Hogan: I welcome the opportunity given by the Labour Party to deal with matters relating to political reform and Dáil reform. When I read the motion I was surprised. I suppose I should not be surprised that we agree so much on these matters. The motion was very similar to a document I published myself in the last year. I suppose the best form of flattery is imitation. I welcome the fact that the Labour Party and Fine Gael are very much in

agreement regarding the tone and tenor of the essential requirements to ensure that this House works more efficiently and well in the interests of the people and that the political system, at local government and national level, is changed radically to ensure that we no longer have the same political decision making processes as we have at the moment.

The centralised system of government perpetrated on us by Fianna Fáil Governments, particularly under the leadership of Deputy Bertie Ahern, is something Fianna Fáil would find difficult to change. The communist-type centralist approach of handing down edicts from the central executive and treating the Dáil as lobby fodder without meaningful input into policies and decision making is something that Fianna Fáil have brought to a fine art over the years.

Deputy Conor Lenihan: Is Deputy Hogan saying we are communists now?

Deputy Phil Hogan: Yes. Fianna Fáil's centralised system would put the communists in the shade, in regard to how they do their business. Deputy Lenihan knows that as well as anyone. It suits the purpose.

Deputy Joe Costello: It is Stalinist.

Acting Chairman (Deputy Charlie O'Connor): Deputies, I ask you to address your remarks to the Chair. I will protect you, as necessary.

Deputy Phil Hogan: You might ask the Minister of State to desist, Acting Chairman.

Acting Chairman (Deputy Charlie O'Connor): I will protect you, Deputy.

Deputy Phil Hogan: The economic and financial issues the country faces have culminated in the following decision, communicated today by Reuters:

Forget passing the 2011 budget. A new Government with a strong parliamentary majority may now be the only thing that will convince investors that Ireland can and will overcome its financial crisis.

The statement goes on:

Sustained political turmoil would complicate Irish plans to resume borrowing in the bond markets from January and analysts said bringing forward the general election, either before the budget or shortly after it, could be the best solution.

That is the sort of remark that is being made internationally. It is a clear indication of no confidence, internationally, in the Government and its policies. The political system in which the Minister of State is involved has contributed to this scenario where every decision is parked into a quango and 11 agencies of the State were merged into the HSE, resulting in no rationalisation of efficiencies but in a worse health service. There have been no reforms in the public service and the Government had to commission the OECD to tell it what to do. The Sir Humphreys of this world are not being told by the Minister of the day to get on with implementation, even though the unions are up for making the necessary changes. That is the sort of political decision making that has brought the country to this sorry mess.

We need a radical change. Fine Gael has published its programme of radical change entitled *New Politics*, which is a very ambitious programme of political reform. Our starting point is simple. It is that Government and political failure lies at the heart of Ireland's economic collapse and the finger of responsibility must point directly to the policy failures of the recent and

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present Fianna Fáil-led Governments and their willingness to promote the interests of the, so called, golden circle over the interests of the citizen.

Under Fianna Fáil a political culture developed which ensured that the bankers and the developers were not dealt with before it was too late, a culture which tolerates cosy cartels and high costs in the private sector and ignores the need for radical reform in the public sector. However, it is also clear that several key weaknesses in Ireland's political system facilitated the failures of the last 12 years, in particular a hugely centralised State with few real checks and balances; an over-powerful Executive that increasingly ignores the Dáil; a proliferation of State agencies and quangos that answer to no one; a model of social partnership which effectively excludes the Dail; and an outdated budget and fiscal system that makes it extremely difficult to manage the State's finances properly.

Fine Gael, in its document, *New Politics*, believes that central to our party's vision and the transformation of Ireland is the transformation of politics itself. As part of the new politics, we are advocating that one third of the membership of the Oireachtas is no longer required. In other words, we would put the abolition of the Seanad in a referendum to the people. We would have a stronger budgetary system and a stronger committee system in the Dáil that would hold Ministers and State agencies to account and get real answers in an open and transparent manner about decisions that are being made. We would involve the citizens in a constitution day, to ensure that all the issues dealing with freedom of information, whistleblowers' charters, standards in public office and the registration of lobbyists would be properly scrutinised by the public in a consultative way so that we would have a package of measures in an Open Government Bill to offer to the Irish people in a referendum and in constitutional referendums when they are necessary.

We believe, in Fine Gael, that there needs to be a fundamental shift of power from the State to the citizen so that local people and local communities have more control over their own lives. In Government we will deliver more accountable local government and national Government and we will dismantle the public sector's command and control model, where everything is run from the top and local voices and concerns are constantly ignored. This can be done within 12 months of assuming office.

We also believe it is vital that the citizens of Ireland are actively involved, through a citizens' assembly, in drawing up the various proposals to be put to the people in a referendum, similar to what was done in Canada and the Netherlands. The purpose of the assembly will be to consider what changes should be made to Ireland's political and government system over and above the specific changes that Fine Gael proposes to make and to make recommendations on how the electoral system might be reformed.

The All-Party Committee on the Constitution has made important recommendations on these issues, including a recommendation that by-elections be held within six months of a vacancy arising. I am surprised that the Minister for the Environment, Heritage and Local Government, with his colleagues in Government, voted down that proposal in June of this year. It would have saved the Government the money spent on going to the courts and saved the courts having to force the Government to hold a by-election in Donegal South-West and, perhaps in due course, elsewhere.

There is also a need for a constitutional amendment to deal with the *Abbeylara* judgment. This would allow the committees of this House to have much more power to call witnesses and give them the ability to hold full investigations, rather than having tribunals of inquiry, which are very expensive and can often run into the sand. The banking crisis, which is topical, could

also be addressed by a committee of the Dáil, as the DIRT inquiry under the chairmanship of the late Deputy Jim Mitchell was able to carry out valuable work when Members of the House, on an all-Party basis, came to conclusions in a very short space of time and an inexpensive way.

There are ways in which we can do our business if we have the authority and power in the Dáil to give meaningful roles and responsibilities to the Members of the House rather than having a centralised system of political control by the Executive, which is not in the interests of the citizen and has led to the political failures that have brought the country to the brink of financial ruin. That has to change. It must change and it will change.

Deputy Conor Lenihan: Does Deputy Hogan agree with the idea of downsizing the Dáil as part of his proposals?

Deputy Phil Hogan: Yes. I thank the Minister of State for asking.

Deputy Michael P. Kitt: I wish to share my time with Deputies Seán Power, Conlon, Thomas Byrne, Collins, Mattie McGrath and Kelly.

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

Deputy Michael P. Kitt: I welcome the opportunity to contribute briefly on this debate. It is important that changes be made to the way in which we do business. Many calls have been made to make the Dáil more family friendly and these calls relate to sitting times. An attempt should be made to achieve consensus in this regard. We have been talking about it for a long time. When I was first elected to the Dáil, in the same year as Deputy Kenny, we sat until 10.30 p.m. every night. One of the first changes, under Dr. Garret FitzGerald, I believe, was to make sitting times more reasonable. I actually agreed with Dr. FitzGerald at the time. Our party believed the sky would fall in if we changed the traditional sitting time. However, the change was made. If one is to attract young people and female candidates to the Dáil, more family friendly sitting times are required. We all agree with that.

The ability to raise topical issues of concern to Members and making the Dáil more efficient are very important. We have been talking about the raising of topical issues for years but we have not made much progress on it. It is important to be able to receive answers to the questions one asks rather than being told they are being dealt with by an agency, authority or executive. That is very frustrating for Members.

The issue of transparency and openness also arises. It is very difficult in respect of Cabinet confidentiality, as former Taoiseach John Bruton found out. He talked about trying to operate the Government behind a pane of glass. One cannot operate in such a manner if one is dealing with important matters that cannot be discussed outside the Cabinet room. In fairness to Mr. John Bruton, he favoured many reforms affecting the operation of both the Seanad and Dáil.

I welcome in particular the points in the motion on spending limits for elections. There should be a reduction in the ceiling for European elections and general elections. There is legislation on spending limits for local elections. These limits were put in place last year by the Minister for the Environment, Heritage and Local Government, Deputy John Gormley. Those spending limits range from €7,500 to €15,000, depending on the population within one's local electoral area.

It is most important that we put an end to the sense of exclusion felt by so many people. It is important to have more people involved in making decisions. I welcome in particular the Lisbon treaty's establishment of a petition system for the European Parliament. We certainly

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should have such a system. Decisions should be made as close to the people as possible. One fault of the HSE, by comparison with what was formerly the Western Health Board, is that decisions formerly made locally by a CEO are now made in some very faraway places. It takes much longer for a decision to be taken.

I would welcome an increase in Dáil sitting days, the introduction of shorter summer recesses and reduced breaks at Christmas and Easter.

While lobbying is a very legitimate activity and while public representatives engage in it all the time, I understand that the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, is considering the regulation of lobbyists and intends to bring proposals in this regard before the Government in due course. I very much welcome his intention in this regard.

Deputy Seán Power: It is rare that we see a motion covering as many different areas as the motion before us. This may not be a great idea because it is very difficult for the sponsoring party to explain clearly why it is making all the various proposals. Equally, it is very difficult for the Government to reply adequately to such a large motion. In the few minutes allowed to me, I will be very restricted in what I can address.

The theme of the motion is very much of reform and change. We all agree that major changes are required in the way in which the House does its business to make it more relevant. Since I was elected, the system has been such that the Government generally proposes while the Opposition opposes. Instead, we should be able to build on what the parties have in common. We always seem to emphasise the issues that divide parties. There will always be differences of opinion; that is healthy. Opinions differ even within my party. It is healthy that people, rather than accept what is presented to them, question it on occasion. However, opposition for the sake of it is certainly not healthy. This must be changed.

Deputy Paul Kehoe: The Deputy is fairly good at it himself.

Deputy Seán Power: It is rare that a Government accepts Private Members' motions, even where legislation is proposed. Very often motions with great merit are voted down on the basis of some small point with which we disagree rather than being accepted for what they are with a view to improving upon them. The Government is very reluctant to accept amendments to legislation tabled by the Opposition. It is almost as if wisdom is confined to one particular group. Regardless of who has been in government, that has been the practice.

If one examines the record, one will note that Oppositions consistently talk of Dáil reform. However, once they get into Government, they never prioritise it to the same extent as when in opposition. After the next general election, an all-party group will constitute the best way to proceed.

The motion before us makes a number of recommendations, one of which refers to a 50% increase in Dáil sittings and which proposes that we sit for up to four days per week. The present system is hardly appropriate. It is indefensible that we sit for only two days per week during weeks with a bank holiday. The long breaks at Christmas and during the summer are not necessary.

Earlier this year, at the end of May or in early June, I proposed at a meeting of my parliamentary party that we sit during the week we were due off. As it turned out, we did sit, although the work we did was not as meaningful as it might have been. It could have been a little more

useful. The idea of taking weeks off willy-nilly must be questioned. We must ensure the work we do is sufficient and relevant to the people we represent.

The practice whereby the Taoiseach absents himself from the House on a Thursday is nonsensical. In fairness to the current Taoiseach, he did not introduce this practice; rather, he inherited it. We should utilise to best effect a system whereby all Members, not just party leaders, can communicate with one another in the Parliament and also with the public. It does not make sense to have a sitting day on which the Taoiseach is not present, particularly in the times in which we are living.

Much as reform of this House is necessary, our priority should be to lift the spirit of this nation. We must demonstrate a new honesty in the way in which we do our business in this House and outside. The country is on its knees and the Government, which I have supported, must accept responsibility for the part it played in creating many of the difficulties that arise. We must not continue to blame others or external events. We must explain in very clear and simple language the action we are taking to get out of the mess and to restore hope to the people, which hope is sadly lacking but badly needed.

The Government faces a by-election in a few weeks. Thereafter, there will be a budget, which will be of major importance to the future of the country. It is vital, for many reasons, that it be passed. It is important to give the people, as early as possible in the new year, an opportunity to pick in a general election a Government that will give the country the fresh start that is badly needed and which it deserves.

Deputy Margaret Conlon: I welcome the opportunity to contribute to this debate. While I would not agree with everything Deputy Seán Power said, I do agree with his comments on the broad nature of the motion and the difficulties relating to dealing with it in detail in the amount of time available.

There are aspects of the motion on which I wish to focus. The first of these relates to the rules and standards which apply to those who hold public office. While people have definite ideas and proposals with regard to change, which is healthy and must be welcomed, we must be careful that we do not try to reinvent the wheel. Let us consider what is already in place and see how we can improve upon it.

One of the other matters to which I wish to refer relates to the call for legislation relating to whistleblowing. I stand to be corrected but my research indicates that much of the legislation that has been enacted in recent years has included whistleblowing provisions. It is right and proper that a person who is employed in whatever sector, who suspects that an offence which is covered by the prevention of corruption legislation has been committed and who reports his or her suspicions, should receive protection. People should not be penalised by their employers as a result of what they have done. People have a duty and a responsibility to report suspicious actions and they deserve to be protected as a result.

The motion refers to the spending limits relating to elections. This is a matter with which I do not have any difficulty. On foot of the comments made by the Minister of State, Deputy Calleary, I understand that these matters are under consideration at present. That is a welcome development.

Cabinet confidentiality is another matter to which the motion refers. It is extremely important that Ministers should be in a position to engage in full and frank discussions when in attendance at Cabinet, without fear of the details of such discussions being leaked or reported in the media. Members are aware of what happens at parliamentary party meetings

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and one can rest assured that one will read about some matter that was discussed at such meetings in the print media. It is important that Cabinet confidentiality should be protected. If, however, the High Court were to make ruling that, in the interests, for example, of the administration of justice by a court or in light of an overriding public interest, it should be lifted——

Deputy Brendan Howlin: Damaging tweets.

Deputy Margaret Conlon: ——that would be fine and it would demonstrate that there could be no cover-ups.

I became a Deputy in 2007 and I had not previously had the experience of being a member of a local authority. When I first entered the House and heard people refer to procedure, practices and Standing Orders, it was as if they were speaking a foreign language. However, as one lives with the system, one becomes accustomed to the different practices which obtain. When I first came here, I was astonished by the fact that so few Members come into the Chamber to hear what others had to say. However, one quickly discovers how busy one's day can be. One must attend committee and party meetings and host different constituency and other groups which want to highlight various matters of concern. The Oireachtas is a very busy place.

I am astonished and, at times, disgusted by the way in which the business of the House is conducted. The Order of Business commences at 10.30 a.m. and we are lucky if it concludes before lunchtime. We are also fortunate if any legitimate discussion takes place during the remainder of the day. There are some weeks when Members on the Opposition benches ask the same questions on legislation they posed in previous weeks. We must engage in our work in a much more productive manner. I have no difficulty with proposals to have additional sitting days. However, I would have a difficulty if business were to continue to be conducted as it is at present.

Any reform of the political system must contemplate how more women can be attracted into politics. Previous speakers referred to the hours we work, the family-friendly nature of the business we are in and the processes relating to the selection of candidates, which is a matter to be dealt with outside the House. Women comprise 50% of the population but their level of representation in the House stands at 13.8%. The latter means that Ireland is ranked a disgraceful 84th in the world in respect of female representation. We must find a way to engage women and to bestow a role upon them.

The Government is examining these issues and others, and, in that context, I am happy to support its amendment to the motion.

Deputy Thomas Byrne: It is sad that I am obliged to repeat the comments I made last week, namely, that we are fiddling while Rome burns. The issues of Dáil and administrative reform are crucially important. However, they are not quite as important as the economic position in which we find ourselves or the high level of unemployment that obtains. Every aspect of business with which the Dáil deals at present should be devoted to matters relating to the economy. I urge the Government as well as the Opposition to ensure that this will be the case. Any motions that are put forward must be relevant to the current crisis. The motion before the House is not particularly relevant to that crisis.

Deputy Brendan Howlin: That is not what the Commissioner said.

Deputy Thomas Byrne: I am not stating that we in this House — both Government and Opposition Deputies — do not have an obligation to show leadership. Reference was made to the fact that the Chamber is often empty. The answer in this regard would be to make the place more work friendly in order that we would not be obliged to spend so much time in our offices. At present, we are obliged to be in our offices to deal with constituents who demand that we do they work they request. We have a constitutional obligation to carry out such work.

I wish to highlight one aspect of the Labour Party's motion. I refer to the proposed extension of the remit of the Freedom of Information Act to the Garda Síochána. The motion does not really qualify what is meant in this regard. I wish to lay down a marker by expressing my absolute opposition to the extension of the remit of that Act to the workings of the Garda Síochána. What is proposed is typical of the Labour Party. When the House dealt with legislation relating to gangland activities last year, that party again showed its deep suspicion of the force and its workings. The Garda Síochána, either in its actions or in its operational efforts to reduce crime, cannot be threatened by the provisions of the Freedom of Information Act. The latter has no relevance to the force. The Garda would be stymied by an extension of the provisions of the Act to its activities. As a result, crime would increase and the force would be less likely to seek prosecutions or go the extra mile to investigate crimes.

The excellent Garda Síochána Ombudsman Commission investigates any alleged wrongdoing within the force. It does a fantastic job in that regard. One sometimes hears about any matters arising in respect of the Garda on the news. Such matters are referred to the Garda Síochána Ombudsman Commission. If, as is often the case, details are not provided, people must understand that this is just standard procedure and is not necessarily something bad. It is not my intention to excuse any abuses which occurred in the past or which may be happening at present. However, the Garda must not be stymied in its efforts to control crime in my constituency. It is extremely unfortunate that those on the left in this country always appear to be intent on stymying the efforts of our police force.

Deputy Brendan Howlin: That was Fianna Fáil's view of freedom of information from the outset.

Acting Chairman (Deputy Charlie O'Connor): Deputy Thomas Byrne, without interruption. I will provide protection to Deputy Howlin when he is replying to the debate.

Deputy Brendan Howlin: I apologise to the Acting Chairman.

Deputy Thomas Byrne: I pay tribute to the Garda Síochána in respect of the work it does. I repeat my assurance the Garda that I am wholeheartedly opposed to the extension of the provisions of the Freedom of Information Act to its operations.

Deputy Seán Power: Deputy Thomas Byrne should have referred to those who were formerly on the left.

Acting Chairman (Deputy Charlie O'Connor): Does Deputy Collins wish to contribute now or will Deputy Kelly be doing so?

Deputy Niall Collins: I will make my contribution now.

Acting Chairman (Deputy Charlie O'Connor): There are just under 12 minutes remaining in the slot.

Deputy Niall Collins: I thank the Acting Chairman. I propose to share time with Deputy Mattie McGrath.

There is a great deal of merit in both the Labour Party's motion and the Government's amendment to it. I wish to refer to the part of the amendment which relates to public servants. We must introduce legislation to ensure that there is a complete prohibition on those who retire from the Civil Service or the public service from taking up alternative or new positions in either. At a time when 450,000 people are unemployed, it is simply not acceptable that a person can be in receipt of a very good pension in respect of one State employment while working in another position which could be occupied by someone who is young and qualified. There has been a great deal of this type of thing in the area of education. The Tánaiste and Minister for Education and Skills has raised the matter with the boards of management of schools, which, ultimately, are the employers of teachers.

There will also be a need to take action in respect of the State Examinations Commission. It has been brought to my attention that many former or retired teachers are obtaining employment in the area of examination supervision and that they receive remuneration for doing so. This is happening at the expense of younger teachers who have mortgages to pay and young families for which they are obliged to provide. I am glad that anyone who avails of the redundancy package on offer from the HSE at present will not be permitted to take up employment elsewhere in the wider public service.

On the comments about extending the Freedom of Information Act to include the Garda Síochána, like Deputy Byrne said we need to flesh that out a little bit further and we have to get the balance right because the flipside is that unfortunately in Ireland malicious and false complaints are sometimes made about individuals. The Garda Síochána has a duty to investigate these but unfortunately the people who are the subject of these complaints never get to see them which is quite distressing for them. A balance needs to be struck.

On Dáil reform, we have to note that in the 12 months to July of this year the Houses of the Oireachtas communications unit placed on the public record the fact that the Dáil and committee system sat for a total of 210 or 220 days which is a significant amount of work. We have to balance that with an informed debate about Dáil reform. We have to be available to meet the public when we are outside the Chamber and the complex of the Houses of the Oireachtas. Meeting community groups, people and interest groups who inform us on our legislation is part of our work.

We cannot lock ourselves away inside the House and pretend to know it all. We also have to get out and mix with people. Part of Dáil reform will also have to involve reform of politicians and our behaviour in the Chamber because often what we see in here is populist grandstanding and it does not serve the people who elected us.

Deputy Mattie McGrath: I am delighted to be able to speak on the Private Members' motion. There are a wide range of topics which I could cover but I want to address whistleblowers legislation. I had a call to my office today from a very distressed person from my county who was concerned about an individual living in Dublin who lost his job yesterday which was his thanks for whistleblowing. I want to raise issues like that. There must be more transparency and openness.

There has to be clear legal protection for whistleblowers, not only on a sector by sector basis but across all areas as a fundamental entitlement for every citizen. Only today, as I said, I had a call to my office regarding a young man who found himself fired from his job because of

doing the right thing and exposing wrongdoing in an organisation. Regardless of the sector or industry people cannot be sacrificed and the law must facilitate the exposure of malpractice.

On the regulation of lobbyists, we need to ensure that former civil servants and special advisers do not work in an area involving a potential conflict of interest. There are legitimate concerns regarding individuals moving from decision-making or influential roles to lobbying the organisation or bodies with which they were involved. There are questions about undue influence and insider deals. A moratorium of at least two years should be enforced. The roles of Ministers and Secretaries General have to be subject to further scrutiny.

On active citizenship, there is a great opportunity and has never been more need for people who are active in the community and voluntary sector. They need to be supported and all the arms and institutions of the State should be made freely available, not just in economic terms but there should be full support rather than jaundiced eyes trying to pull them back and restrain them from their voluntary efforts. Such people are true patriots and we never needed them more. They need to be encouraged, fostered and allowed to generate enthusiasm and facilities in their communities, thereby giving greater quality of life to citizens at large. By extension, they also create business, industry and employment as well as a social benefit.

Deputy Peter Kelly: On the subject of political reform, there is a need and a hunger from the public for it. I would take a good look at the committee system which exists in the Dáil. It is a very good system and an all-party forum should examine committees and give them more teeth and power because that would be the way to go. I would also abolish all the tribunals. They have not served this country well and have proved to be very expensive light entertainment for Ireland. The committees would get to the root of many problems and would solve them.

People elect politicians to represent them and expect them to do so. They do not expect everybody else to be doing the job a politician should be doing. Election reform is required. The people want it. An independent commission should be set up and given a deadline to make new suggestions. Cabinet confidentiality is something with which I agree, especially for the protection and security of the State.

Whistleblowers should be protected and given confidentiality if they request it. Politicians should be more accountable to the public. The public service should be there to advise and help but the buck stops with elected Members and the people do not want to hear, when they make representations to a politician, that is up to the HSE or some other body to make a decision.

Deputies, Ministers of State and Ministers should have the last say and not just give lip service. There should be spending limits at all elections and they should be on the small side. I would also encourage as much cross-party co-operation as possible because, in my limited experience in the Dáil, I have found in committees that cross-party co-operation is and has been available and does work.

People should declare any conflicts of interest. Any new system should focus on job creation, value for money and cutting out waste and fraud. All financial institutions, even though they are not based in the Dáil, should be subject to regular audits without notice. We have had no genuine audits in our banking system for many years. They have caused us enormous problems and they must only lend a percentage of deposits.

Anyone who does not do their job properly, whether working for the State, semi-State companies or the private sector, should be fired immediately with no compensation whatsoever. I

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agree with limited political donations. Political reform is necessary but I would like to take a closer look at it and come up with more ideas as to how it should be done.

Deputy Emmet Stagg: I wish to share time with Deputies Lynch, Upton, McManus, Sherlock and Costello.

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

Deputy Emmet Stagg: I thank Deputy Howlin for bringing this timely motion to the House. At this time of national crisis it is vital that we review, examine and reform how we use the powers vested in us by the people. The public interest and efficiency, with the elimination of waste, must be re-established. In that regard, I want to concentrate on one area that have raised repeatedly and that needs urgent attention, namely, the transfer of power vested in this House by the people to unaccountable quangos.

Our system of democracy is a relatively new system. Our history books barely reach any form of elective process. Rather, we learn of the system of wars and battles to establish rulers. Gradually a system with some form of representative parliaments was established. First, they were confined to the landed gentry and those with substantial property. Eventually all males were given the right to vote but women were excluded. After a considerable struggle the system we now know as universal suffrage was established. We now have a representative democracy.

It is recognised that in the system power lies with and is vested in the people. The people select one of their number to represent them through a secret ballot. The people thereby transferred their power to that public representative for a limited period to serve them by exercising the power so transferred. If they are not satisfied with how that power is exercised, the people can, and often do, take it back. The exercise of that option may be used in large measure by the people in the near future.

It is the duty of this House to respect and preserve that power we are given and to exercise it for the common good. It is our duty to hand power back to the people when the time comes but, because we have handed over large tranches of power to a wide range of State and semi-State bodies — let us call them quangos — we cannot hand that power back to the people. We have thereby diminished the hard-won authority of the people we represent.

Every time we set up an authority or body for whatever purpose and declare it is independent, and despite the fact that the authority will be 100% funded by the people's tax, I, as a public representative, am precluded from raising a question or tabling a motion in this House on how that body is using the taxpayer's money. That diminishes democracy and dilutes the power given by the people to Parliament by giving it to an outside unaccountable body. That is an abuse of the power given to us. It should not have happened. It must be reversed.

It is not only at national level that this democratic deficit has been created. At local authority level we elect councillors but deny them any real authority in deciding how local services are run or how they are financed. Local authorities such as county councils and city councils are run and managed by officials who have not been elected and the councillors become a buffer between the public and the management. It is now time we expressed our faith in democracy at local level, restored power to these chosen by the people, and returned the managers and their large staff of civil engineers and programme managers to the role they should have had, that is, as advisers.

The outcome is that there are somewhere in the region of 1,000 areas fully funded by the taxpayer which I, as a public representative, cannot raise or question in this House, where I

have been sent by the people. These range from health to roads to the environment. Only last week when I wanted to raise an issue about a local illegal dump in my constituency I had great difficulty finding a form of words to overcome the fact that a quango was responsible for such matters. All of these quangos have boards, chief executive officers, chairpersons and spin-doctors to tell us the great job they do for us. They all are rewarded for their services, with some paid more than the Taoiseach or Ministers. Apart from the democratic deficit they create, perhaps there is an area of major savings that could be explored here also. I am not suggesting that those of us who are elected do not need experts to advise us; we do. However, it is just that — advice. It is when the experts and the advisers become the decision-makers that democracy is diminished.

I refer briefly to one aspect of the Government's amendment to my party's proposal which welcomes the Government tabling of a Dáil reform package. What crass hypocrisy. The package was discussed in detail at the Dáil reform committee and at the point of agreement, the Government Chief Whip informed the meeting that he did not have the authority to proceed, in other words, the Government's own package of reforms was vetoed by the Taoiseach.

We must restore the right of an elected Member of this House to raise questions and get answers on the use of taxpayers' money. That is an essential of democracy. We must reclaim and restore to the people the powers they vested in us. Quangos are a negation of democracy and where they are seen to be useful, they must be accountable to this House. As the Minister for Finance stated in this House, government by quango is not government at all.

Acting Chairman (Deputy Charlie O'Connor): The next speaker is Deputy Ciarán Lynch. There are 23.5 minutes left in the slot and I understand the Deputy is taking five minutes.

Deputy Ciarán Lynch: I thank my Labour Party colleague, Deputy Howlin, for bringing a timely and important motion before the House. It is quite a lengthy motion and if I read it into the record this evening, I doubt I would have any speaking time left. It is quite a substantial motion.

While it is a lengthy motion, it is not complex. It lists a series of measures that should have been taken in recent decades. We should not be at this bottleneck this evening where we find that a plethora of reforms and a series of measures that should have been put in place are still absent from this House.

One could say that many of the measures in the proposal Deputy Howlin has brought before the House are quite simple and a great number of them are attainable in the here and now. They do not need major legislative changes. They do not require constitutional amendments. The Order of Business and the way this House operates on a day-to-day basis could well accommodate the changes in Deputy Howlin's proposal. Many of these changes could be put into immediate effect and there is no excuse to hide behind legislative measures or constitutional issues in that many of the changes that can be made are within the control of this House right now.

There are two approaches to reform: the big bang approach and the incremental approach. I favour the incremental approach to matters. However, we have arrived at a situation where we need a big bang approach because this House has become so stagnant because of the type of governance that Fianna Fáil and its culture of politics has ingrained into this House.

Deputy Emmet Stagg: Hear, hear.

Deputy Ciarán Lynch: There are two types of dysfunctionality for anybody who examines management: structural deficiencies and system deficiencies. Both have been created by the type of governance to which this country has become accustomed because of Fianna Fáil's business culture in running the country.

I arrived into this House in 2007 as a new TD. I, like everybody else, would like to leave some legislative footprints in this House but I would also like to leave some sort of reform footprints here. Recently I picked up a book in which, amazingly, I get a mention. It is by Mr. Fintan O'Toole, who writes quite extensively about the myth of parliamentary democracy. He refers to a situation when I came in here first as a new TD. On the Housing (Miscellaneous Provisions) Bill 2008, I tabled, in 2009, a simple amendment, not one that would have cost the Exchequer a cent. It was not to change Government policy, but merely to cite that the Government had created a technical error in the legislation and was citing the Health Act as dating from 2007 when, in fact, it should have been cited as dating from 2008. I tabled an amendment to the Minister to correct an anomaly or deficiency in the Bill that might create a legislative or legal difficulty further down the line, and the Minister rejected my amendment. At the next stage, on moving from Committee Stage to Report Stage, the Minister of State, Deputy Finneran, came in with the exact same amendment that I had proposed at an earlier stage. I seconded it and I had tabled my own amendment as well, and he voted for mine. It is the only time in the three years I have been in this House that I have been successful with an amendment. This is the sort of ridiculous behaviour that goes on here on a daily basis because of the adversarial type of politics, and particularly the executive governance of Fianna Fáil and the stranglehold it puts upon the parliamentary operations of this House.

There are 166 TDs in this Chamber. Each of them, I assume, comes to work every morning to do the best job that they can. However, the working environment that this House has now become has made that job extraordinarily difficult, and sometimes impossible.

I will conclude with two critical points. Reform, in itself, does not produce the desired outcomes. In 2004, the Health Bill was brought before us here and the reform that gave us was the HSE.

We should not confuse reform with reductionism, which has become very much a mantra and a sort of Gospel in present times. We here have two jobs: first, to ensure the governance of this country in a sovereign way; and second, to ensure that such governance is not dumbed down to the lowest common denominator so that the operation of the State is reduced to such a level that we cease functioning as a democracy.

Deputy Mary Upton: I thank my colleague, Deputy Brendan Howlin, for tabling this motion. From an ineffective political system that was not nearly as probing and inquisitive as it should have been, we have seen numerous revelations of waste in our institutions of Government that have discredited these institutions and undermined faith in the operation of our State. This ineffective approach can also be attributed to the lack of rigour in the application of our regulatory systems which were supposed to protect the public interest but have left us with a colossal bill for a broken banking system.

Trust in politics is at an all-time low and for that trust to be rebuilt we in this House must take the lead by engaging in processes of renewal on how we run our country. The dodging of Government responsibility is no longer acceptable and it extends to all aspects of how we conduct our business. The proposals put forward in this motion, from reducing the Government monopoly over the Dáil to empowering committees to carry out their work effectively, are

practical proposals that could be implemented and which would address many of the issues that hamper effective legislative delivery and erode public confidence in politics.

Proposals such as restoring the Freedom of Information Act to its original intended purpose, reforming appointments to State boards and introducing rules relating to lobbying would introduce greater transparency into our democratic processes. Restricting for two years the appointments that public servants, including political appointees, can take up in the private sector where there are areas of conflict of interest, should not just be common sense, it should be statutory law.

To have accountability we must have responsibility. How many times have we heard in this House, when questions are asked about the operation of various arms of the State, whether it is the HSE in health or the Irish Sports Council, the Arts Council or Fáilte Ireland, in my brief of tourism, culture and sport, that the Minister has no official responsibility to Dáil Éireann in the matter? We have handed over responsibility for the formulation of public policy and distribution of public moneys to bodies that are not accountable to the electorate. To the public, this situation is impossible to explain.

In the tourism and sports policy documents I published for the Labour Party this year, I called for the recentralisation of policy development to the respective Departments. This is a practical first step that will strengthen the democratic accountability of policy and decisions relating to the expenditure of public funding. The respective Ministers and their Departments would be responsible to Dáil Éireann and to the citizens of the State in a way that semi-State organisations or quangos are not. This would increase ownership of a policy as well as responsibility for it.

The responses from the Government on these issues have been characteristically tame in their breadth and late in their delivery. We are three years into the current Government and it is a year since the revised programme for Government, yet nothing has been delivered with regard to reforming our institutions of State. The revised programme for Government document provided a few token gestures to satisfy the foot-stamping Members of the Green Party in the full knowledge that none of them would ever see the light of day — the token gestures, that is, not the Green Party Members. It is reassuring to know, however, that they are welcomed profusely in the amendment. This is what one might call a céad míle fáilte at its best but with no delivery of any product or progress.

As public representatives, we should be the standard bearers for best practice in public office and, by extension, civil society because we represent our constituents not only in this House but also internationally. The shameful and costly proceedings of the past decade in Dublin Castle have done much to embed cynical notions of politicians into the public consciousness. What were always the actions of a few have created a sense of “a plague on all your houses”. These notions can become self-fulfilling which is detrimental to public discourse and our ability to address the many challenges we face.

Since the onset of the economic crisis in 2008, we have often heard public expressions of dissatisfaction on the workings of the House. The public, at a time of great uncertainty, have looked to us for leadership. This means they are looking for experience, competency and vision. There is no shortage of the traits of leadership in this House, rather there is a shortage of the will to lead. The Labour Party is prepared to lead and is prepared to introduce the changes that will ensure Government is held responsible for the delivery of outcomes. It will be no more a business-as-usual approach where Ministers queue up to take responsibility for success and pass the buck for fiascoes such as PPARS or the electronic voting machines. As a result

[Deputy Mary Upton.]

of these past errors, we must now try to chart a new course in Irish politics and civil society by rebuilding our economy in a fair and just way. Starting from the top, with the proposals contained in this motion, the Labour Party has the ideas and the will to make those changes a reality.

Deputy Liz McManus: I welcome Deputy Howlin's reforming motion of substance that we are debating. The motion is so good that taking this Government into account, there is not a chance it will be passed by the House and I regret this because if it were passed, it would be an important signal that this Parliament has the courage to change.

As a society we face formidable challenges, economic and political, and we need to modernise. We need to make our democratic structures fit for purpose. That is the purpose of this particular motion. There is a defensiveness and a deviousness that characterises the Fianna Fáil way of politics. This culture has imbued the system so effectively that even when reforms were introduced by others, they have been successfully emasculated subsequently by Fianna Fáil or those of that gene pool. Those politicians refused to trust the people and now the people sure as hell do not trust them.

In the House, political life has been manipulated so effectively to the point that in many people's eyes we as parliamentarians are a bumbling and costly anachronism. We can do, and we have done, so much better. I am proud of the record of the rainbow Government in which I served as Minister of State. My colleague at that time, Eithne Fitzgerald, strived to open up access to information. The Freedom of Information Act was inspired and progressive legislation. It was grounded on best practice elsewhere but also led the way for others to follow. It was a tremendous legacy for her to leave us. The control freaks in Fianna Fáil could not bear the power the Act gave to the people. Charlie McCreevy dismantled as much of it as he could. This is the same person who as Minister inflated the economy and provided us with light touch regulation which turned out to be no regulation. He wanted to evade scrutiny and accountability and changed the law to suit his outlook. Ireland is now paying a terrible price for his hubris.

I am confident that when the Labour Party is returned to Government, these reforms will be introduced. They must be introduced if we are to ensure that Government, the Oireachtas and the Civil Service work efficiently and openly. How different our country would be if these reforms had been introduced during the boom years. We are learning painful lessons from our past. The Government appears to have learned nothing, however. It is simply irredeemable.

The example of the latest Ombudsman report only serves to prove this point. Since the Office of the Ombudsman was established, it has built up a fine record of work and each Ombudsman, including Emily O'Reilly, has served with distinction as independent watchdog for the public. Sometimes the discomfort caused to Governments was considerable. That said, I do not recall a time ever when a Minister so blatantly and arrogantly dismissed a body of work produced by a person with significant statutory powers. As I recall, Kevin Murphy was the first person in that position to raise the issue of the abuse of the right to nursing home care by the State. To my recollection, this was when the issue was first raised. The Minister, Deputy Harney, did not listen then and she is not listening now.

We must have renewal. The Government is incapable of meeting this task and this challenge. In this motion we have set out the roadmap for a new Government to complete the task.

Deputy Seán Sherlock: I will follow on from the theme as espoused by Deputy McManus on the role of the Ombudsman. In a speech given by her recently on her office and this institution,

she quoted from a speech made by the Minister for Transport, Deputy Noel Dempsey, in which he stated:

[W]e should . . . return Dáil Éireann to a central place in public thinking. It should be the battleground for ideas, the location for intellectual debate . . . where the brightest and best work in concert to achieve optimal results over the long term, not cheap point-scoring in the short term.

Those are the words of a Fianna Fáil Minister — a Front Bench senior Minister of long standing. The Ombudsman referred to the lost at sea report. I can only speak about my own experience of this Parliament and state that the manner in which the lost at sea report was dealt with suggested to me that no matter what the Ombudsman's finding was, the Government was going to have a partisan, party political view on whether it would support it.

From the point of view of citizens and the complainant this denigrated their position. For a complainant to come forward in the first instance and to go through the process of making a complaint to the Ombudsman is quite a lengthy and stressful process. It was particularly traumatic for the Byrne family with regard to the lost at sea report. For the Government then to reject out of hand a report from an independent officer who is above politics, and to do so in such a partisan way within this House at the joint committee, suggested that the Fianna Fáil party decided it would trample all over that very institution. There was not even a recognition that the complaint had validity. Even if the amount of compensation to be offered was rejected, there should at least have been an acknowledgement of the faults on the Government side.

I speak on this motion as a person who received a mandate for the first time in 2007. This Parliament is ceasing to be relevant for ordinary citizens. The roof needs to be lifted or blown off so that a little light can be let in and the institution can be reformed. It will not take much to do so. With a little lateral thinking and cross-party consensus on how it can be done, we can restore this institution to some degree of relevance to ordinary people's lives. So long as the Executive continues to hold the power it does, this Parliament will die on its feet.

Deputy Joe Costello: I thank my colleagues for sharing their time and I thank Deputy Brendan Howlin for tabling this motion. It is a long time since this House has had a wide-ranging debate on the current coalition Government, on the institutions that underpin that Government and the Houses of the Oireachtas. Unfortunately, we now have the perfect storm, so to speak, with bad government and outdated and ineffective institutions. Bad government can only be remedied by the people in a general election. The first priority is to make every effort to ensure the general election is held as soon as possible and that the bad Government is removed.

This bad Government has presided over the greatest financial crisis, the greatest recession and the highest unemployment in the history of the State. So bad is this Government that it even attempted to thwart the constitutional right to full Dáil representation of the electors of Donegal South-West, Donegal North-East, Dublin South and Waterford. It has failed to stop the by-election taking place in Donegal, despite its efforts in the courts, and it is now applying to the Supreme Court to prevent the other outstanding by-elections being held. Instead of deploying all its energies to preventing the IMF taking over the country, and preventing a loss of our financial sovereignty, its sole concern is to stay in power, by hook or by crook. In the process, the Government is denying tens of thousands of citizens of this country their democratic right to parliamentary representation. These underhand actions are unacceptable in a democracy and border on dictatorship. Legislation is required to reform this area.

[Deputy Joe Costello.]

The Labour Party motion includes a substantial and detailed package of reforms which, if implemented, would greatly improve the workings of the institutions. The Government amendment indicates that it will table a reform package to improve the workings of the Dáil. We have not seen the Government's proposals but at least our motion has succeeded in flushing out a response from the Government. However, its proposals deal exclusively with this House and they not extend to the Seanad, the Government or Departments. It will be of little value to reform the Dáil and leave the Government as unaccountable as ever. What is needed is a comprehensive package of reform to overhaul every area of governance so that citizens can once more have confidence in the institutions of the State and in our democracy.

The issues outlined in our motion are comprehensive. Freedom of information has been spangled by the Government through an increase in fees. Why will the Government not allow new legislation to encompass freedom of information? Whistleblowers' legislation is necessary and appointments to State boards need to be overhauled. There should be spending limits on elections and a cap on donations and regulation of lobbyists. It is important to break the Government monopoly on legislation. The Houses of the Oireachtas should have power to introduce legislation. Responsibility of Ministers to the Dáil must be returned instead of Ministers hiding behind quangos as is currently the practice. This means it is impossible to receive a decent reply to parliamentary questions. The motion proposes increasing the number of Dáil sitting days by 50% and opening up the budgetary process to proper scrutiny. This will be necessary in any case for the European Union if we are not careful. The committees will be given greater powers in order to conduct much of the business and deal with issues which arise. Reform is essentially about the transparency, accountability and effectiveness of Government action and State institutions.

The Government has failed entirely to provide adequate institutional reform to enable Ireland to play a significant part in the development of the European Union in recent times or in maximising the opportunities available through successive treaty changes over the past 13 years of this Government in one form or another. The Taoiseach committed us to treaty change without reference to this House. He returned from a Council meeting and informed the House of the decision. This is not acceptable. It is a case of Government showing disrespect to the House. We have an entitlement but no input into the Commission's annual draft plans, despite the fact that the EU Secretary General, Catherine Day, has told us this is the area in which Ireland can exert the greatest influence. We have not established any alliance with smaller states as we did in the past. There is now a massive power axis consisting of France and Germany and we have done nothing about it. Like Greece, Ireland is now isolated and this is very dangerous in these times when we owe so much money to the ECB and when the IMF wolf is at the door.

The House needs to review how it conducts its business. We need to make our practices and procedures more relevant to the needs of our country and our citizens.

Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Billy Kelleher): I welcome the opportunity to speak in this debate. The Labour Party motion is very wide-ranging. Some speakers widened the discussion beyond the subject of the motion.

My colleague Minister of State Deputy Dara Calleary, gave a lengthy and detailed response to the motion when he moved the Government counter-motion. In the short time available to me I will respond to some of the points raised by Opposition speakers. On whistle-blowing legislation, a number of Bills containing such provisions have been enacted in recent years and several more are currently before the House. On registration of lobbyists, the renewed programme for Government gives a clear commitment that the Government will introduce a register of lobbyists, including professional, corporate and non-governmental organisations.

Deputy Ó Caoláin mentioned the importance of local government reform. The Minister, Deputy Gormley, has indicated that the Dublin mayoral legislation is a first tranche in a major programme of local government reform and development. Efficiency measures will be pursued across the entire local government sector, arising from the efficiency review group's report and related initiatives. In addition, the Government will soon be considering the position in regard to the report of the Limerick local government committee and comprehensive proposals in regard to the future of local government will be set out in the promised White Paper on local government.

As regards the budgetary process, the Government has already taken important steps to reform the budget process over recent years. The pre-budget outlook document provides a full range of information on the public finances in advance of budget decisions. The Estimates of expenditure are now determined and presented alongside the annual tax decisions on budget day as part of a unified budget. Of course, our budgetary timetable will have to be reviewed to take account of the new European semester that will come into effect for all member states in 2011.

In regard to the performance aspects of expenditure, annual output statements now provide an opportunity for the relevant Dáil select committees to scrutinise the Voted expenditure allocations for each Department and to examine in detail the public service outputs and outcomes to be delivered. This initiative was complimented by the OECD review of the Irish public service in 2008, which also suggested ways in which this approach could be improved further and integrated more fully into the resource allocation process. These recommendations have been taken up by the Government as part of the Transforming Public Services agenda, which I know the Labour Deputies are encouraging.

As regards Opposition Members and legislation, it is only fair to make the point that there have been occasions where the Government has accepted Opposition Bills in principle, and a current example is the Construction Contracts Bill brought forward by Senator Feargal Quinn in the other House.

On the subject of Dáil reform more generally, I would like, on behalf of the Government, to take the opportunity to correct a factual inaccuracy in the contribution by Deputy David Stanton in the debate in the House yesterday. Deputy Stanton stated that the Government had not brought forward proposals on how the procedures of this House could be reformed and improved. He also stated quite clearly that no proposals brought forward by the Government had been discussed at the Dáil reform sub-committee of the Committee on Procedures and Privilege. Deputy Stanton is incorrect in both of these assertions. Last year, the Government mandated a working group to bring forward proposals for consideration.

Deputy Emmet Stagg: On a point of order, in case the Minister of State would inadvertently mislead the House, what he is telling us is not accurate. This was discussed but it was then vetoed by the Taoiseach. The Minister of State at the time, now Minister for Defence, Deputy Pat Carey, told the committee he could not proceed.

Deputy Billy Kelleher: I am correcting the proceedings of the House. In June 2009, the Government discussed and agreed a comprehensive range of procedural reforms. On 2 July 2009, the then Chief Whip, Deputy Pat Carey, brought these proposals for discussion at the Dáil reform sub-committee. After consulting the minutes of that meeting, and of subsequent meetings, the Chief Whip has confirmed to me that these items were discussed. The minutes also confirm that Deputy Stanton was in attendance at this meeting. I am not sure why Deputy Stanton claimed this was not the case, but I am quite happy to correct the record of the House. Indeed, in the Chamber this morning, Deputy Emmet Stagg in his contribution acknowledged that the Government has brought forward proposals. I welcome that acknowledgement.

Deputy Emmet Stagg: They were vetoed.

Deputy Billy Kelleher: I reject Deputy Stagg's assertion that the Taoiseach vetoed those proposals.

Deputy Emmet Stagg: There is no question but what I am saying is accurate.

Deputy Billy Kelleher: The minutes of the sub-committee meeting clearly state these were discussed at that meeting.

Deputy Emmet Stagg: The then Chief Whip, Deputy Pat Carey, came into the meeting and said he was sorry but he could not proceed any further with this.

Acting Chairman (Deputy Charlie O'Connor): We will let the Minister of State conclude.

Deputy Billy Kelleher: I know that since he has taken up the position of Chief Whip, Deputy John Curran has met the various parties on a bilateral basis with a view to identifying where progress can be made. I understand he has yet to meet Deputy Joe Carey, the new Fine Gael spokesperson in this area, but I hope this will happen in the very near future. I am happy to correct the record of the House.

Deputy Pat Rabbitte: I am glad to have the opportunity to contribute to this debate introduced by my colleague, Deputy Brendan Howlin, on behalf of the Labour Party. The motion is probably the most comprehensive one on reform of our institutions and of the way we do our business in the Dáil that has ever been put before the House. This is why it is so dispiriting to hear the Minister of State sum up for the Government.

It seems the Minister of State and the Fianna Fáil speakers almost invariably were of the opinion that this is another routine motion about reform of the Dáil. It is not about that at all. This is a fundamentally transformative resolution that seeks to start by acknowledging that politics is in crisis in this country. It does not matter whether the Government is of the opinion, as it is, that we are being unfairly treated, that many of the criticisms are ill-founded or that some of them are destructive. Closing our eyes to the reality will not make that go away. This is not just a motion about Dáil reform. It seeks to chart a roadmap for reform that will restore confidence in politics, in this House and in our capacity as a country to lead the way to economic recovery.

It was Deputy Seán Power who said in the debate that we have a duty to lift the spirit of the country and to give honest leadership. I agree with that, and I agree with the way he approached the motion. That is what motivated it. The problem is that hot on the heels of the collapse of our economy is the near collapse of confidence in politics and in this House. I do not know how it is but, somehow, the comprehensive failure of Fianna Fáil is coming to be represented as the failure of the political system. The underlying assumption that is allowed to take hold is that because Fianna Fáil has failed so comprehensively, it automatically follows that no other party and no other combination of parties in this House is capable of prudently managing our affairs. It is almost as if the dyed-in-the-wool Fianna Fáil loyalists and their fellow travellers have concluded it is somehow best to salvage something of the reputation of the once-great party by spreading the word that "because we failed to do it, we are telling you the others will do no better". It is a new version of the old story when Fianna Fáil are in trouble, "sure, you are all the same".

There is absolutely no evidence that our political system, for all its faults, and it has serious faults, is incapable of throwing up a competent Government that can restore confidence and lead us to economic recovery. We have now reached such a crisis that nobody in this country, whatever one's political loyalties, has a vested interest in creating such a new conventional wisdom. News travels fast nowadays, and our country's reputation has taken a severe pounding

in recent times. Promulgating the notion that we cannot govern ourselves is another nail in the reputation of our country, and it is not true.

The Labour Party motion moved by Deputy Howlin is intended to restore confidence in politics. Our key institutions must be made fit for purpose. This House must demonstrate there is a better way to do our business. Parliament must demonstrate it can lead an independent existence and has a purpose and role which are separate to the Government. Traditional public service work practices must be overhauled.

The relationship between Ministers and their Secretaries General must be brought into the 21st century. We need to redefine the relationship between Ministers and their Departments and between a Minister and his or her Secretary General. Nineteenth century notions of personal ministerial responsibility coupled with legal ministerial responsibility for all official departmental acts and the legal competence of civil servants to perform such acts without any necessary recourse to the Minister lead to a situation where accountability to the Oireachtas is demanded on an entirely fictitious basis. It is absurd to claim that a Minister is personally responsible for every action in his or her Department and it is a dereliction of accountability on the part of this House to excuse a Minister because he or she did not know something in his Department that he or she should have known. It is not acceptable that a Minister might fail to intervene when he or she should have done so or neglect to stay informed of potential, as well as actual, problems.

Our system suits weak Ministers and traditional civil servants. When cock-ups occur, they circle the wagons and engage in collective self-defence. The Minister's impenetrable corporate shroud protects the civil servant and Minister alike from individual examination and accountability. This system breeds the kind of Minister who sees himself or herself as an ambassador-at-large who photographs well but does not read a brief. There is a world of difference between being an ambassador plenipotentiary and being a Minister who wields executive power.

Accountability must be at the heart of the reforms we seek to make. The Dáil is not working as well as it might. The Government is running the country in an unaccountable manner and it is riding roughshod over this House. The filleting of the Freedom of Information Act, the constraining of the Equality Authority, the abolition of the Combat Poverty Agency, the shooting down of the Labour Party Private Members' Bill on protecting whistle blowers and the rejection of regulations on lobbyists all point in the direction of a Government which is opposed to subjecting its actions to scrutiny. The result of unaccountable Government is unimaginable failure. "Consensus" was a word that was unheard of when Fianna Fáil was riding high on the hog. This House should be aware that consensus does not mean cover up and collusion.

This motion is a comprehensive roadmap for reforming our institutions, establishing real accountability and restoring confidence in the capacity of politics to provide solutions and lead recovery. One of the principal reasons for the collapse of confidence both inside and outside of this jurisdiction is the fact that our dysfunctional Government is on a life-support machine. It is guilty of dereliction of duty on a scale never before experienced in this State. As long as the same people remain in office we will not be able to restore our reputation. When the people eventually get the opportunity to speak, the alternative Government must have ready for implementation a programme of reform that puts beyond doubt our determination to change the way we govern.

Fianna Fáil's response is to circle the wagons and close its ears to the daily denigration of politics. Even if some of the commentary is ill founded or even destructive, ignoring it is the wrong response. The way we do politics must change. We have many natural advantages, the

talents of our people are capable of digging us out of this hole and we have shown that we can earn our way in the world. Our people demand leadership and they deserve no less.

I was profoundly disturbed to learn that the European Court of Auditors has found that we did need to close Mallow sugar factory. I had an opportunity to visit Mallow sugar factory along with Deputy Sherlock, who was then a councillor, and listen to a presentation on the closure of Carlow sugar factory and the transfer of its machinery to Mallow. The people who made the presentation believed they could grow jobs at Mallow and argued there was no difficulty in transporting beet. They were adamant that Ireland ought to retain its sugar industry. This is a classic example of a Government which was not prepared to hear what this side of the House had to say, even while jobs were piling up in the construction sector and our manufacturing base was being eroded. It was a chronic failure that the jobs in Mallow were allowed to go without a fight for the people who worked at the plant and the growers who supplied it. Mallow is only one of many decisions, however. The biggest decisions, which relate to the banks, were addressed by my colleagues.

This Government in its previous guises killed off the notion of inquiry by parliamentary committee. In the US, a congressional inquiry into the reasons for the banking failure in that country was established within days. After Abbeylara, the Government contrived to kill off inquiry by committee, despite the success of the DIRT inquiry in retrieving €1 billion for the Exchequer and making recommendations that produced our modern and efficient Revenue Commissioners. Neither senior public servants nor the Government wanted to allow inquiries by parliamentary committee.

Banking inquiries, which were conducted in the US and the United Kingdom, were obstructed here. A secret investigation was commenced behind closed doors. Perhaps it was his messianic zeal to become more Fianna Fáil than Fianna Fáil itself that caused the Minister for Communications, Energy and Natural Resources, Deputy Eamon Ryan, to claim that investigation would be open but if anybody in this House has come across this open inquiry, I ask him or her to tell us. Huge questions remain unanswered, such as who advised the blanket guarantee which directly resulted in bond spreads climbing towards 9%. Merrill Lynch did not advise such a guarantee and the Department of Finance claims it did not do so either. It is one of the great questions of our time, alongside the meaning of life and whether there is a God.

Deputy Thomas Byrne claimed that attempts to extend the Freedom of Information Act to the Garda Síochána were typical of the approach of the left and he asked how could anybody consider extending it. Clearly he did not hear last night's contribution by the Minister of State at the Department of Finance, who stated that the Government intends to extend the Act to the administrative functions of the Garda. I welcome that.

The Minister said last night that the Government intends to extend the Freedom of Information Act to the administrative functions of the Garda. I welcome that. Deputy Thomas Byrne does not think it is a good idea, however, despite the arguments that have been frequently adduced in this House suggesting that it could be very good for the force itself, as well as for society. The Deputy either thinks a few votes might matter in Meath East at the next election — I doubt he is right about that — or he is trying to blacken the name of this party, in terms of our wish to implement the same reforms throughout the entire public service, including in the Garda Síochána. I thought his remarks were unworthy of him.

I do not know how many Members of this House are aware of the existence of the post of confidential recipient. I should mention, in case the Acting Chairman might ever need the services of the recipient, that the role of the official in question involves hearing complaints from members of the Garda about matters that cause them to be disturbed about the discharge

of the functions of the Garda Síochána. When I tried to establish what this chap does and where he is based, I was told after a long search that it was confidential. When I telephoned the Department of Justice and Law Reform, the official to whom I spoke expressed the belief that the confidential recipient had an office in the Department. When I rang back a few days later to talk to the recipient, the people to whom I spoke said they had never heard of him. When I cornered the Minister, who is usually full of information and anxious to share it with the Opposition, he confirmed that the confidential recipient is indeed based in the Department of Justice and Law Reform. Does he expect ordinary gardaí from around the country to present themselves in the Department to make their complaints about what is going on in the force? If so, it sums up the Government's attitude to secrecy and the way decisions should be made in government. That is a big part of the reason we are where we are tonight.

Amendment put:

The Dáil divided: Tá, 77; Níl, 68.

Tá

Ahern, Bertie.
 Ahern, Dermot.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
 Aylward, Bobby.
 Blaney, Niall.
 Brady, Áine.
 Brady, Cyprian.
 Brady, Johnny.
 Browne, John.
 Byrne, Thomas.
 Calleary, Dara.
 Carey, Pat.
 Collins, Niall.
 Conlon, Margaret.
 Connick, Seán.
 Coughlan, Mary.
 Cregan, John.
 Cuffe, Ciarán.
 Curran, John.
 Dempsey, Noel.
 Devins, Jimmy.
 Dooley, Timmy.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelleher, Billy.
 Kelly, Peter.
 Kenneally, Brendan.

Kennedy, Michael.
 Killeen, Tony.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.
 Lenihan, Conor.
 Lowry, Michael.
 Martin, Micheál.
 McEllistrim, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Donoghue, John.
 O'Flynn, Noel.
 O'Hanlon, Rory.
 O'Keefe, Batt.
 O'Keefe, Edward.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Allen, Bernard.
 Bannon, James.
 Barrett, Seán.
 Behan, Joe.
 Breen, Pat.

Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 Carey, Joe.

Níl—*continued*

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.
 McGrath, Finian.

McManus, Liz.
 Mitchell, Olivia.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Keefe, Jim.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Maureen.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 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 Paul Kehoe

Amendment declared carried

Question put: That the motion, as amended, be agreed to.

The Dáil divided: Tá, 77; Níl, 68.

Tá

Ahern, Bertie.
 Ahern, Dermot.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
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 Browne, John.
 Byrne, Thomas.
 Calleary, Dara.
 Carey, Pat.
 Collins, Niall.
 Conlon, Margaret.
 Connick, Seán.
 Coughlan, Mary.
 Cregan, John.
 Cuffe, Ciarán.

Curran, John.
 Dempsey, Noel.
 Devins, Jimmy.
 Dooley, Timmy.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Michael.
 Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelleher, Billy.
 Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Killeen, Tony.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Brian.

Tá—continued

Lenihan, Conor.
 Lowry, Michael.
 Martin, Micheál.
 McEllistrim, Thomas.
 McGrath, Mattie.
 McGrath, Michael.
 McGuinness, John.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghaíl, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Donoghue, John.
 O'Flynn, Noel.

O'Hanlon, Rory.
 O'Keeffe, Batt.
 O'Keeffe, Edward.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 Power, Peter.
 Power, Seán.
 Roche, Dick.
 Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Allen, Bernard.
 Bannon, James.
 Barrett, Seán.
 Behan, Joe.
 Breen, Pat.
 Broughan, Thomas P.
 Bruton, Richard.
 Burke, Ulick.
 Burton, Joan.
 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.
 McGrath, Finian.
 McManus, Liz.
 Mitchell, Olivia.
 Naughten, Denis.
 Neville, Dan.
 Noonan, Michael.
 Ó Caoláin, Caoimhghín.
 Ó Snodaigh, Aengus.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Mahony, John.
 O'Shea, Brian.
 O'Sullivan, Maureen.
 Penrose, Willie.
 Perry, John.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 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 Paul Kehoe

Question declared carried

Adjournment Debate

Hospital Services

Deputy Willie Penrose: I sincerely thank the Ceann Comhairle for facilitating me in permitting me to raise the ongoing situation at the Midland Regional Hospital in Mullingar. Regrettably, I have to raise it again, particularly the decision to suspend elective procedures at the Longford-Westmeath regional hospital in Mullingar, which is extremely important in terms of its location for the citizens of Longford and Westmeath and as a central and pivotal hospital for that region. Theatres at the hospital will be only staffed with cover for obstetrics for a further three month period for emergencies and for children.

These measures were recently announced at the hospital but, as in the case of many matters concerning the HSE, it is difficult to extract information from it. These measures clearly led to reduced activity at this important, progressive and most efficient hospital. It is one of the most efficient hospitals in the country in terms of all the parameters, output data and casemix assessment that are now used to determine degrees of efficiency and effectiveness.

I raised the issue of the severe bed shortage that has led to record numbers of patients being placed on trolleys in the accident and emergency department of the hospital. In the last few days of October, in excess of 130 patients were on trolleys. This is the position at one of the busiest hospitals and most efficient accident and emergency departments in the country and it arises because up to five wards have been closed in the hospital.

In October 2007, there were only four patients on trolleys; in October 2008, there were 11; in October 2009, there were 70; and in October 2010, there were 132, which represents a 3,200% increase compared to 2007. The number of patients who were on trolleys up to the end of October 2010 was 1,620, which represents a 392% increase compared to the same period in 2009. In the first four days of November, 24 patients have been on trolleys in the hospital.

Staff in the accident and emergency department are working to the very limits of their capacities and endeavours. They are at breaking point and are deeply concerned as they are expected to care for the ever increasing numbers of patients arriving in this department. I am not surprised at the fact that this situation has now arisen at the hospital, as I predicted this would inevitably arise when 41 inpatient beds were removed from the hospital almost two years ago. This has given rise to significant overcrowding in the accident and emergency department in this context. I am talking about the second most efficient hospital in the country in terms of effectiveness, outputs, casemix assessment and other assessment factors.

In recent days management in the hospital made a decision, as far as I can ascertain, to suspend elective procedures and the operating theatres will be only staffed to a level to facilitate obstetrics and emergency cover, scopes and cover for children; in other words, all elective adult surgery will be suspended with only seven of the 18 staff being utilised. As a result, they will be only able to effectively operate one of the theatres and facilitate emergencies as I outlined.

We are lucky to have an excellent surgical staff comprising nurses, anaesthetics, surgeons and all the other ancillary staff in this hospital, yet routine adult surgery which these people so effectively perform has now been put on hold. I understand that these wards were closed for a specified period but it now appears that it will be extended, although it is somewhat difficult to ascertain the precise intentions of the HSE as it has the happy knack of being extremely vague as to its intentions when it is questioned. As I understand it, even the trade union representatives have still to be fully informed in respect of these issues.

It is abundantly clear that in respect of a person's health, early investigation and detection is extremely important and that, once a person is diagnosed, early treatment would follow.

Thus, it is important that elective procedures take place as quickly as possible after diagnosis. If what I have been informed in regard to elective procedures at Mullingar hospital takes place, all that will happen is that waiting lists will build up and grow longer and people will suffer unnecessarily.

The perception locally is that the hospital is being penalised for its great efficiency. It has been too good, as one nurse said to me. People are concerned that what starts off as temporary measures can be elevated to the status of being permanent after a short period. We want a guarantee that this is not the intention of HSE and that it has no plans to downgrade the important facility of the Midland Regional Hospital for the citizens of Longford and Westmeath.

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I am replying to this Adjournment matter on behalf of my colleague, the Minister for Health and Children, Deputy Mary Harney.

The Midland Regional Hospital in Mullingar is part of the Dublin-Midlands Hospital Group. The aim of the hospital is to deliver a quality-driven people-centred service to the public of the Dublin-midlands area and, in particular, the Longford-Westmeath area. The hospital at Mullingar operates on a 24 hour, seven day week basis.

The HSE advised the Minister that at the end of September the hospital was 7.2% ahead of its service plan target. The primary drivers for the increased activity in the hospital are in the areas of obstetrics, paediatrics and general medicine, all of which are predominately emergency service driven. In addition, the hospital has provided for 4,784 surgical inpatient and day-case discharges to the end of September, which again exceeds its service plan target. The hospital is currently meeting its target under HealthStat with regard to waiting lists.

The September financial figures showed an increase in expenditure trend for the first time since May. Having regard to the activity to date when compared to the service plan, the HSE decided to review the level of activity that could be facilitated at the hospital for the remainder of the year.

For the hospital to be able to manage its activity it must examine areas of elective work, in particular the area of general surgery.

Following consultation with relevant stakeholders it was agreed to concentrate on emergency surgical activity and urgent elective activity for the remainder of the year. These areas of service will continue to be provided. Any issue or concern about what would come under the definition of emergency activity and urgent elective activity will be dealt with by the clinical director. The HSE has advised the Minister that all caesarean section activity will be facilitated, as will endoscopy procedures.

This arrangement will reduce overtime and agency costs and assist with bringing the budget of the hospital back in line, while delivering on the services promised in the hospital's service plan. The Minister has asked the HSE to keep the issue of service delivery at the hospital under ongoing review in order that patients who require treatment can receive it as quickly as possible in the appropriate health care setting.

Sports Capital Programme

Deputy Michael Moynihan: I thank the Cathaoirleach for allowing me the opportunity to raise an issue of vital importance for Churchtown GAA club in north Cork and many other sporting organisations. The issue is the delay in delivering funding to the club, which has been caused by a problem in the Land Registry. The funding allocation was made two and a half or three years ago and the club has been awaiting a directive from the Land Registry which it

[Deputy Michael Moynihan.]

could forward to the Office of the Chief State Solicitor to enable the funding to be sanctioned. A number of clubs across the country are in the same position. Industrial action in the first half of 2010 prevented the Land Registry from addressing the matter. Although the industrial action ceased in June, the Chief State Solicitor's office has still not prepared the required paperwork or resolved outstanding issues with the Land Registry to ensure the funding can be drawn down by the club.

Churchtown GAA club has been ready to commence work on the project for which it secured the relevant funding since this time last year. Officials in the Department wish to ensure that every club receives its allocation as quickly as possible. The reason the club has been waiting to draw down the funding for such a long time is the inordinate delay in having the paperwork done on its application.

When the Minister met members of Churchtown GAA club in June last year he indicated that the allocation would be made once the issue causing the delay had been rectified in the Land Registry. Unfortunately, as we approach the middle of November, sanction for the funding is still not forthcoming. I ask the Minister of State to outline what steps have been taken to resolve this issue.

Deputy Michael Finneran: I thank the Deputy for raising this issue which is, I am sure, of great importance to the club concerned. The sports capital programme, which is part funded from the proceeds of the national lottery, is the primary means of granting Government support for the provision of sports facilities at national, regional and local level. It would not be an exaggeration to state that the programme has been of benefit to communities the length and breadth of the country.

Under the sports capital programme, the Department of Tourism, Culture and Sport provides funding to voluntary, sporting and community organisations for the provision of sports and recreational facilities. More than 7,400 projects have benefited from sports capital funding since 1998, bringing the total allocations in that time to more than €738 million. The programme has, in the past ten years, transformed the sporting landscape of Ireland with improvements in the quality and quantity of sporting facilities in every part of the country. The facilities funded range from the smallest clubs to national centres of sporting excellence.

Deputies will be aware of the many benefits that derive from the programme in their respective localities. They will have no doubt noted the value of the programme in assisting local clubs in meeting the sporting needs of their areas and targeting clubs in areas of social disadvantage. By doing this, the Government is supporting the provision of facilities where there may be little prospect of such facilities being provided by communities acting alone. These facilities provide an opportunity for participation in sport which leads to healthier lifestyles and a reduced likelihood of younger people drifting into anti-social behaviour.

It is a common misconception that the programme has been discontinued. The programme is very active, with €48 million provided by the Department of Tourism, Culture and Sport in 2010 to cover the payment of grants. This funding will allow more than 1,000 payments to be made to sports clubs and community groups in every county.

Since 1998, Churchtown GAA club has received four allocations under the sports capital programme, totalling €231,579. Of this, only the €50,000 provisional allocation made in 2008 remains to be drawn down. All grant allocations are subject to compliance with the terms and conditions of the programme. These include, for allocations above certain specified thresholds, the execution of a deed of covenant and charge. This places a charge on the grantee's title to the property and is intended to protect the taxpayer's investment by ensuring the facility remains in sporting use for at least 15 years. The Department's legal adviser, the Office of the Chief State Solicitor, deals with the grantee's solicitor in executing this deed.

The Chief State Solicitor's office wrote to the grantee's solicitor on 31 August last seeking confirmation that registration of a deed of covenant and charge in respect of previous allocations had been completed in the Property Registration Authority in accordance with undertakings provided at the time. The office informed the Department this afternoon that no response had been received to the letter of 31 August. Until this confirmation is received, formal approval of the provisional allocation made in 2008 cannot be progressed. The Deputy will appreciate that in the current circumstances, a high priority must continue to be attached to properly protecting public investment in sports facilities. The club's solicitors should confirm registration of the previous Deed to the Chief State Solicitor's office as a matter of priority and the Department will continue to liaise with the grantee on an ongoing basis to assist in progressing the allocation.

Water and Sewerage Scheme

Deputy Dan Neville: I thank the Cathaoirleach for affording me an opportunity to raise again the urgent need to improve the sewerage scheme at Kilmallock, County Limerick. For the past ten years, the town has been at the top of the list for the development of a sewerage scheme. The current sewerage system in Kilmallock is in urgent need of upgrading as both the plant and network are deficient.

The existing wastewater treatment plant in Kilmallock was built in the 1940s to cater for a population of only 1,500. It is heavily overloaded and effluent discharges are a significant source of pollution in the River Loobagh. The proposed new sewerage scheme consists of the construction of a new wastewater treatment plant and main lift pumping station at the north-west end of the town. It is proposed to replace or up-size the existing trunk sewer along the river bank, extend existing foul sewers and install a new 300 mm diameter storm sewer along the Kilfinnane Road.

One of the defects of the current scheme is that the storm sewer is part of the main sewer scheme and is being unnecessarily treated by the effluent plant. The proposed treatment plant site is situated north west of the town on the southern bank of the River Loobagh. The treatment works will be sized to cater for a design loading in phase 1, which runs until 2026, of 4,000 PE, with the plant designed to cater for an expansion to 8,000 PE in phase 2. Treated effluent will be discharged into the River Loobagh and effluent standards are based on the assimilative capacity of the river. Serious concerns arise regarding the pollution caused by the current discharges into the river. On 31 July 2003, the Minister for the Environment, Heritage and Local Government, the then Deputy Cullen, promised by way of letter that the scheme would commence in 2004. When will it commence and what is the expected date of completion because sewerage schemes are being developed elsewhere? Infrastructural development has not been abandoned simply because of the recession although I appreciate the level of activity has been reduced.

Deputy Dinny McGinley: The Minister of State should provide a few for County Donegal.

Acting Chairman (Deputy Michael P. Kitt): Deputy Neville.

Deputy Dinny McGinley: I apologise to Deputy Neville but I could not resist.

Deputy Dan Neville: When will work on this scheme commence? I had expected that this scheme would commence because it was promised sincerely two years ago. There are two vital questions to which the people, traders and organisations in Kilmallock seek answers. First, the environmental section of the council is anxious to ensure that sewage disposal in Kilmallock complies with European Union urban waste water treatment work directives. In December 2003, Environmental Resources Management Limited presented a report commissioned by the Kilmallock town traders, which outlined 37 recommendations for improvement in the town,

[Deputy Dan Neville.]

many of which were dependent on the construction of a sewerage scheme. The population of Kilmallock has declined significantly over the years because of the lack of opportunity to develop housing there, although some development has taken place in recent years by a contractor who privately organised the disposal of sewage. The proposals currently before the Department will provide for a population equivalent of 4,000 with a possibility of future development.

I refer to the marginal pricing policy for the towns. At present, the allocation is 40% to Kilmallock. The council cannot come up with this if the scheme comes to fruition because income from development charges has completely dropped off as a result of the recession and, consequently, the finances are not in place. As the Minister has increased the level of marginal pricing policy to 90% in other areas, I also seek such an allocation. Moreover, the domestic demand to which I ask it to be extended does not add a lot. It is important to have a sewerage scheme to attract new commercial enterprises and to do so, a new plant is required. A plant is needed for industry and for the other reasons I already have outlined.

Acting Chairman (Deputy Michael P. Kitt): I must ask the Deputy to conclude.

Deputy Dan Neville: The contract documents have been with the Department since last year. Amendments were sought earlier this year but have been sent to the Department from Limerick County Council approximately six months ago. I ask that this scheme be fully sanctioned and that a move be made towards organising a contract to complete the scheme as was promised in 2004.

Deputy Michael Finneran: I thank Deputy Neville for the opportunity to outline the current position on the Kilmallock sewerage scheme. My Department's Water Services Investment Programme, a copy of which is available in the Oireachtas Library, includes a contract for the procurement of a new waste water treatment plant under the Kilmallock sewerage scheme to advance to construction during the period of the programme at an estimated cost of €3.4 million. My Department has completed its assessment of Limerick County Council's revised contract documents to procure the Kilmallock waste water treatment plant under a design build operate, DBO, contract and will convey its decision to the council shortly. Under the contract, the council proposes to construct a new treatment plant and ancillary works, including a new pumping station and trunk sewer to transfer flows from the existing treatment plant to the new facility.

I am aware of the importance of the new treatment plant to Kilmallock and its environs. The existing plant is operating at, and sometimes beyond, its design capacity and in doing so can be a source of pollution in the receiving waters, namely, the River Loobagh. The discharge licence for the existing treatment plant issued by the Environmental Protection Agency requires the council to commission a new plant. The council's proposals currently before my Department will alleviate these concerns and cater adequately for the needs of Kilmallock and environs for many years.

I should point out that the council's proposals do not include the upgrade and extension of the existing collection system in Kilmallock that had been a part of the Kilmallock sewerage scheme under the previous water services investment programme. Last year, local authorities, including Limerick County Council, carried out an assessment of needs to review and prioritise their proposals for new capital works in their areas. These assessments were subsequently appraised in the Department in the context of the funds available and key criteria that complemented those used by the authorities. Inevitably, through this process, certain projects that had been included under previous phases of the water services investment programme had to give way to others that are more strategically important at this time. However, the council can

consider the works to the collection system for inclusion under the next phase of the programme after 2012.

I am pleased to inform the Deputy that the Department has reviewed the overall funding for the DBO contract and, as a result, a greater proportion of the costs will now be borne by it. This will reduce the financial burden on Limerick County Council in the delivery of a key water services project in their area.

As I stated earlier, my Department will write to Limerick County Council shortly regarding the DBO contract documents and the enhanced funding arrangements for the Kilmallock scheme. I assure the Deputy that my Department will continue to work with Limerick County Council to ensure that the Kilmallock sewerage scheme and other key water services projects in the county are advanced as far as practicable during the period of the new programme.

Voluntary Housing Associations

Deputy Bernard J. Durkan: I thank the Ceann Comhairle, the Leas-Cheann Comhairle and the Minister of State for affording me the opportunity to raise this Adjournment matter once again in the House. I sympathise with the Minister of State opposite with whom I had this discussion last July. This matter relates to a voluntary housing scheme that was funded in its entirety by the Irish taxpayer through the capital allowance scheme and which was in receipt of the usual site for a nominal fee from the local authority. Although the concept worked well initially, for some unknown reason after the collapse of the Celtic tiger the association suddenly woke up and sent out demands for arrears of rent to several of its tenants. This was not exactly the best time to do so from an economic perspective. In addition, it set about carrying out repairs, some of which were required and some of which were neither warranted nor requested. A dispute now has arisen in which the local authority wishes to take no part in which the heating arrangements in a number of houses have collapsed. The association refuses to carry out any repairs, even though it is responsible, because arrears rest on this particular case.

The Minister is familiar with this particular issue and while I do not wish to delay the House, I wish to simplify matters. This particular project was built at the taxpayer's expense with 100% funding in every respect. All that is required from such voluntary housing associations is that they administer the scheme, collect rent, have an annual general meeting, abide by the articles of association and carry out their duties in accordance with the rules and regulations as laid down. It is alleged by the tenants that this is not now taking place and has not taken place for a number of years. Therein unfolds an impasse. As the Minister of State has the power and the will if he so wishes, I ask him to facilitate a meeting between the tenants, the association, the local authority and public representatives to be presided over by himself, if necessary, to bring this dispute to a rapid conclusion. This can be done quietly, amicably and effectively or it can be done the hard way. Threats are being issued to tenants at present to the effect that they will all be in court by Christmas and that the usual conclusion will be that they will be evicted and so on. Neither the Minister of State nor I wish to see something like that happen. Nor should it happen. I merely ask the Minister of State to put in place the arrangements with the local authority, the housing association, representatives of the tenants and public representatives with a view to arranging an immediate resolution of the problems and putting in place the necessary procedures to ensure this does not continue.

Deputy Michael Finneran: I thank Deputy Durkan for raising this item as it affords me an opportunity to once again confirm this Government's commitment to working with the voluntary and co-operative housing sector.

I would like to begin by reflecting on the successful relationship to date between my Department, local authorities and the voluntary and co-operative sector. Since the 1980s, we have together overseen the delivery of some 23,000 homes under the capital funding schemes. This

[Deputy Michael Finneran.]

partnership has thus been a very successful one, with homes provided to many of the more vulnerable members of our society.

As the Deputy is aware the voluntary and co-operative housing programme has been delivered through two main funding measures — the capital assistance scheme and the former capital loan and subsidy scheme. Both schemes are administered by housing authorities. The capital assistance scheme provides capital funding of up to 100% of the approved cost of accommodation for people with specific categories of need. The capital loan and subsidy scheme provided 100% funding for the provision of standard housing for low-income families and individuals in need of social housing. In all cases where 100% funding was availed of, all tenants must be drawn from the local authority housing waiting lists. *Léim an Bhradáin*, the project specifically raised by the Deputy, was funded under this scheme.

My Department is anxious to ensure that all projects funded under the capital funding schemes are operated and managed in accordance with the terms of the schemes. 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.

My Department is currently engaged with the Irish Council for Social Housing in framing a policy to improve all aspects of governance, including matters relating to the operation of the management and maintenance of housing units provided under the funding schemes. This work is ongoing.

This brings me to the matter raised by Deputy Durkan. I outlined to the House last July the requirements necessary for a body seeking funding under section 6 of the Housing Act 1992. Funding of more than €3 million was provided in 2000, under the former capital loan and subsidy scheme, for the provision of 32 houses at Easton Road, Leixlip by the approved body, *Léim an Bhradáin*.

My Department's primary role in relation to the provision of accommodation under the capital funding schemes relates primarily to the provision of funds for individual projects. It is responsible for the legislative basis for the schemes, annual budgeting and recoupment of expenditure to the local authority. It is a matter for the housing authority to ensure compliance with the terms and conditions of the schemes and to have in place suitable liaison arrangements to oversee the administration of the schemes in order to preserve the investment made in the dwellings provided.

Housing bodies are the de facto owners of the accommodation and, as such, are responsible for the proper management and maintenance of the dwellings. Approved bodies are eligible for an annual management and maintenance allowance of €543 per occupied dwelling. This allowance has not been paid to this association to date but I understand that an application with accompanying documentation, including a full rent review and audited accounts, is being examined by Kildare County Council. I will ask the council to ensure all accounts are in order and the rent charged complies with the terms and conditions of the scheme before a decision is taken to approve any additional funding.

The Dáil adjourned at 9.25 p.m. until 10.30 a.m. on Thursday, 11 November 2010.

Written Answers.

The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].

Questions Nos. 1 to 8, inclusive, answered orally.

Questions Nos. 9 to 45, inclusive resubmitted.

Questions Nos. 46 to 54, inclusive, answered orally.

Economic Forecasts

55. **Deputy Jack Wall** asked the Minister for Finance when he will set out his forecast GDP growth for 2011, 2012, 2013 and 2014; and if he will make a statement on the matter. [41643/10]

156. **Deputy Bernard J. Durkan** asked the Minister for Finance if it is possible to achieve economic growth over the next three years; and if he will make a statement on the matter. [42037/10]

Minister for Finance (Deputy Brian Lenihan): I propose to take Question Nos. 55 and 156 together.

As the Deputy will be aware, I have set out the Department of Finance's latest GDP growth forecasts in the Information Note on the Economic and Budgetary Outlook which was published on 4 November.

In relation to the short term economic outlook, growth has stabilised in 2010 following two years of sharp declines and this provides the basis for economic growth into 2011. Of particular importance has been the continued robust performance of exports which exhibited real growth of 7% in the first half of 2010.

Looking to the later years of the forecast, after a temporary slowdown in 2011, world economic growth particularly in the advanced economies with whom we predominantly trade, is expected to accelerate. Against this, domestic demand will make a weak contribution to economic growth as consumption is forecast to remain muted because of households repairing their balance sheets. Consumption is, however, expected to recover when economic growth is seen to have taken hold, with some reductions in the savings ratio assumed over the forecast.

In order to ensure that we capitalise on the rebound of global growth it is imperative that we continue to regain competitiveness. To this end, the Four-Year Plan to be published later

[Deputy Brian Lenihan.]

this month, will outline a programme of structural reforms which will help to further restore competitiveness and support sustainable economic growth.

The Real GDP growth projections which are based on a correction in the Budget of €15bn over the next four years are as follows: for next year my Department has forecast GDP growth of $1\frac{3}{4}\%$, $3\frac{3}{4}\%$ for 2012, 3% for 2013 and $2\frac{3}{4}\%$ for 2014.

Insurance Industry

56. **Deputy Frank Feighan** asked the Minister for Finance if his attention has been drawn to the pressure by insurance companies to raise premiums; if he has undertaken any analysis of the impact and of the justification of such increases; and if he will make a statement on the matter. [36463/10]

Minister for Finance (Deputy Brian Lenihan): At the outset it should be noted that neither I nor the Central Bank can prohibit or restrict an insurance company from increasing its annual premium rates, as this is a commercial decision for the company in question. I am aware of increased pressure on insurance premiums in recent times particularly in the household insurance area. Much of this is due to the unprecedented level of claims which the insurance industry suffered last winter. The insurance industry estimated that between last November's flooding and the big freeze at the start of this year they have paid out about 550 million euro worth of claims. The industry has put the level of claims in further context by indicating that the insured cost of these two weather events exceeded the total cost of all serious weather events that have occurred in the last decade estimated at 358 million euro.

However, even in advance of the weather-related claims, market analysts had identified and reported on a number of important market developments that were expected to lead to upward pressure on premiums. For example, the 2009 Standard & Poors report on the non-life insurance market warned that the next few years were likely to mark a testing time for Irish non-life insurers. In particular the report highlighted that underwriting profitability would become much more important due for example to declines in global stockmarkets amongst other factors. The report noted the importance of price discipline to ensure the long-term economics of the insurance marketplace.

It should also be noted by the Deputy that from a prudential perspective insurance companies are required by the Central Bank of Ireland to meet their capital requirements on an ongoing basis in order to ensure the sustainability of their business. In these circumstances when they are exposed to the level of claims incurred in the last 12 months, it is inevitable that their capital position will suffer and put pressure on prices. In this regard, it should be noted that the new prudential regime for insurers in the EU known as Solvency II which will come into force from the start of 2013 will place a greater emphasis on the need to price risk appropriately than the existing regime, and will in turn require insurance companies to be more conscious of their pricing policy. This will benefit the consumer in many instances, however in circumstances where there has been a significant increase in claims, it is likely to result in higher premiums.

The Government is of course committed to ensuring that the insurance costs in Ireland are competitive and correspond to appropriate international benchmarks. In that context the Revised Programme for Government contains a commitment to review insurance costs. It is expected that this review will commence shortly.

Banking Sector

57. **Deputy Brian O'Shea** asked the Minister for Finance the extent to which the Irish bank-

ing system is dependent on the European Central Bank for funding; if the ECB have communicated to him a proposed timescale or mechanism for scaling down its commitments to the Irish banking system; if ECB support for the Irish banking system is to be phased out over the course of 2011; and if he will make a statement on the matter. [41636/10]

Minister for Finance (Deputy Brian Lenihan): I have no function in regard to the level of ECB lending as this is a matter for the ECB and the associated national central banks. Given the independence of the Eurosystem it would not be appropriate for me to comment on specific institutions, or indeed on the policy or approach of the ECB to the provision of liquidity support to banks in the Eurozone. The Government remains committed to supporting the banking system's access to market funding, which would serve to reduce the requirement for ECB liquidity support. As the Deputy is aware, the Eligible Liabilities Guarantee Scheme has been an important support to the Irish banking system, facilitating its access to both short and longer term funding to help maintain the overall stability of the banking sector. It complements the broad Government Strategy to restore fully the banking system and maximise its contribution to overall economic recovery.

The Deputy should note that the European Commission today announced the approval of the extension of the Scheme under State aid rules to 30 June 2011 which is the maximum period permitted for state aid approval under the European Commission policy on guarantee schemes. In addition, the ECB, in its legal opinion of 2 November 2010, has endorsed this extension to the Scheme on financial stability grounds.

Croke Park Agreement

58. **Deputy Pat Breen** asked the Minister for Finance the savings across Departments achieved by the implementation of the Croke Park Agreement; and if he will make a statement on the matter. [41608/10]

Minister for Finance (Deputy Brian Lenihan): As the Deputy will be aware, over the last two years, the Government has taken a series of difficult but critical steps which have generated significant reductions in the potential public service pay bill. As a consequence, the public service pay roll will be over 8% less in 2010 compared to 2009, and nearly 12% less than in 2008. These measures include the non payment of proposed general round increases under the Review and Transitional Agreement, the application of a pension related deduction of an average of nearly 7% to the earnings of all public servants and, at the beginning of this year, a reduction in the rates of pay and allowances for public servants was implemented under the terms of the Financial Emergency Measures in the Public Interest (No. 2) Act, 2009. In addition to these measures, the introduction of a general moratorium on recruitment and promotion together with incentivised early retirement and career break schemes, along with natural turnover of public servants who retire or leave, has led to a reduction in the number of public servants employed by almost 11,000 since March 2009 of which approximately 2,500 were Civil Servants across Government Departments. Despite the reduced numbers, there has been no reduction in services as productivity across the public service has been increasing.

Government policy on staff numbers in the public service is reflected in employment control frameworks for each sector of the public service. The continued application of the frameworks across the public service will result in a further reduction in public service employee numbers, and consequently the public service paybill, up to 2012.

The reduced numbers will require changes in manning levels and work practices. The Croke Park Agreement will facilitate co-operation by staff with the actions which will have to be taken in every public service organisation to maintain continuity of services.

National Asset Management Agency

59. **Deputy Lucinda Creighton** asked the Minister for Finance the action he is taking to ensure that National Asset Management Agency is accountable to the taxpayer; and if he will make a statement on the matter. [41618/10]

Minister for Finance (Deputy Brian Lenihan): The issue of oversight and NAMA accountability was debated extensively during the NAMA Bill and there are substantial provisions on accountability in the NAMA legislation. Section 59 of the NAMA Act 2009 makes provision for the Chairperson and CEO of NAMA to appear before a Committee of the Oireachtas, if requested to do so, which is examining matters relating to NAMA. The chief executive of the NTMA and the chief executive of NAMA appeared before the Joint Committee on Finance and the Public Service on Tuesday, 13 April 2010.

The Act also provides that NAMA must submit annual accounts. These will be audited by the Comptroller and Auditor General and the Committee of Public Accounts may examine NAMA on these audited annual accounts. I understand also that both the Chairperson and CEO of NAMA are to appear before the Public Accounts Committee on Thursday 18 November 2010.

NAMA is also obligated to report on a quarterly basis and section 55 makes extensive provision for quarterly reporting on a wide range of matters, including details in relation to loans. These reporting arrangements allow for transparent reporting to the extent that it does not breach the obligation placed on the agency to respect the confidentiality of customers.

The most recent quarterly report was published on 02 November and showed NAMA to have recorded a profit of €6 million for the second quarter to 30 June 2010. Copies of the quarterly reports were laid before each House of the Oireachtas as required by the NAMA Act 2009.

Banking Charges

60. **Deputy Alan Shatter** asked the Minister for Finance his specific proposals to incentivise bank customers to more frequently use plastic cards and to reduce their use of ATM machines to access their own cash from their own bank accounts; to detail the exact additional charge he proposes the banks impose on bank customers accessing cash; and if he will make a statement on the matter. [35526/10]

Minister for Finance (Deputy Brian Lenihan): I have no plans for banks to impose additional charges on bank customers accessing cash. The promotion of the use of electronic payments is a key Government policy and a number of initiatives have already been taken in this regard. The longer-term objective is a significant reduction in the volume of paper-based payments in use throughout the economy. This policy is fully aligned and is developing in tandem with market and regulatory developments at EU level, including the Single Euro Payments Area (SEPA), the introduction of the Payment Services Directive from November 2009 and the introduction of the revised Electronic Money Directive from April 2011. In promoting this policy objective, the Government has reduced stamp duty on combined ATM cards from €10 to €5 in Budget 2009, building upon changes in the previous year's Budget. Stamp duty on cheques was also increased from 30 cent to 50 cent per cheque, to act as a further disincentive to cheque usage.

As part of the process of increasing the use of electronic payments new governance arrangements are required. I am currently considering the recommendations made by the National Payments Implementation Programme Advisory Group in their report on the possible mechanisms to further promote the development of electronic payments.

Tax Collection

61. **Deputy Michael Noonan** asked the Minister for Finance his views on the decline in receipts from DIRT tax in the Exchequer returns published on 2 November 2010; and if he will make a statement on the matter. [41606/10]

Minister for Finance (Deputy Brian Lenihan): Receipts from Deposit Interest Retention Tax (DIRT) were c. €150 million below profile in October. The DIRT yield has displayed volatility in the past, with considerable increases in recent years, from €144 m in 2004 to a peak of €654 m in 2008. The DIRT yield in 2009 was €614 m. Interest paid or accrued in respect of relevant deposits is chargeable to DIRT at a rate of 25%. Preliminary DIRT payments were made on 20 October 2010, with the balance of DIRT for 2010 due in January 2011.

The fall in the DIRT yield can be attributed to a number of factors, including: a fall in the level of deposits; a decrease in the deposit interest rates offered by financial institutions; the influence of current financial conditions on the behaviour of depositors; and the withdrawal of certain financial institutions from the retail banking market.

Central Bank Reports

62. **Deputy Thomas P. Broughan** asked the Minister for Finance when he expects the publication of the next Financial Stability Report by the Central Bank; and if he will make a statement on the matter. [41622/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Central Bank that, although the exact publication date has yet to be finalised, as outlined in its paper ‘Banking supervision: our new approach’ published in June 2010, the Central Bank is committed to publishing a new Financial Stability Review, which is to replace the previous Financial Stability Reports, before the end of the year.

Forbairt na Gaeilge

63. **D’fhiafraigh Deputy Dinny McGinley** den Aire Airgeadais an bhfuil Gaeleagras — an eagraíocht oiliúna don státseirbhís faoi choimirce na Roinne Airgeadais — fós ag feidhmiú ina hiomláine; an bhfuil ranganna Gaeilge fós á soláthar ag Gaeleagras do státseirbhísigh gur mian leo ranganna a dhéanamh; an bhfuil scrúduithe Gaeilge fós á réachtáil ag Gaeleagras do státseirbhísigh gur mian leo scrúdú cáilithe Gaeilge a dhéanamh; ar cuireadh aon rang a bhí beartaithe ag Gaeleagras a réachtáil ar ceal ón 01 Meán Fómhair 2010 ar aghaidh, agus más rud é gur cuireadh, cén socrúithe atá ann leis an rang nó leis na ranganna sin a chur ar siúl arís; agus an ndéanfaidh sé ráiteas ina thaobh. [41531/10]

Minister for Finance (Deputy Brian Lenihan): Is féidir liom déimhniú don Teachta go bhfuil Gaeleagras, a fheidhmíonn lastigh de Lárionad Oiliúna agus Forbartha na Státseirbhíse i mo Roinnse, fós ag feidhmiú. B’éigin méid áirithe cúrsaí a bhí fógraithe a chur ar athló, toisc go ndeachaigh oifigeach lán aimseartha amháin amach ar scor, comh maith le líon áirithe oifigeach páirt aimseartha. Déimhním, áfach, go rachaidh na trialacha Inniúlachta Gaeilge a bhí fógraithe don 24 Samhain 2010 ar aghaidh, agus is féidir a rá go bhfuil iarratais faighte ó 76 Oifigeach.

Tá scrúdú á dhéanamh ag mo Roinnse i láthair na huair ar staid foirne Ghaeleagrais de bharr na scor seo, agus ar chúrsaí eagrúcháin dá réir. Mar is eol don Teachta, ag teacht leis na srianta a bhaineann le folúntais a líonadh, cuirfear san áireamh na féidearthachtaí maidir le hath-implonú, ó áiteacha eile sa Státseirbhís. Braithfidh athsceidealú na gcúrsaí a cuireadh ar athló, ar thoradh an phróisis seo.

Fiscal Policy

64. **Deputy Ruairí Quinn** asked the Minister for Finance his views on the introduction of a new fiscal framework for Ireland; if he plans to make an announcement regarding same, on budget day; his plans to propose legislation regarding same; and if he will make a statement on the matter. [41642/10]

Minister for Finance (Deputy Brian Lenihan): The Government will be bringing forward a range of structural reforms, including in respect of the overall fiscal process, in the context of the forthcoming Four Year Plan. In this overall context, the Government has also decided that a legislative underpinning for some of these structural reforms would be appropriate, and preparatory work in this regard is now under way.

Departmental Property

65. **Deputy Jim O’Keeffe** asked the Minister for Finance the capital value of the property portfolio of the Office of Public Works for the year 2009 with comparative figures for the previous three years [41568/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The capital value of the property portfolio of the Office of Public Works is included in the Appropriation Account which is published on an annual basis. The valuation of the portfolio included in the 2009 Appropriation Account was €3.173 billion.

The comparative valuations included in the Account over the three years in question are as follows:

Cost or Valuation	Land & Buildings
At 31 Dec 06	2,607,526,739
At 31 Dec 07	2,734,997,792
At 31 Dec 08	2,874,360,897

The increase in value relates solely to property acquisitions and the inclusion of completed building projects at construction cost. No increase has been applied to the valuation of property held in the period nor has a decrease been applied in light of the recent changing economic circumstances.

The initial estimate valuation of the properties held within the ownership of the Office was formulated using various benchmarking methods. These estimates of valuation were based on numerous elements including:

- building cost norms
- site valuations
- use of buildings, e.g.,
 1. prestigious buildings were given enhanced values
 2. State-owned buildings were valued on an existing use basis
- acquisition cost for purchases post 1995
- replacement value

Properties under the State ownership of other Ministers, for example certain heritage properties and including national monument properties, are excluded from the valuation.

Tax Collection

66. **Deputy Martin Ferris** asked the Minister for Finance if, in view of the 4.1% shortfall in income tax returns for October and the 6.3% drop in the year on year performance of these returns, he will make specific provisions in Budget 2011 to stimulate the economy; if he accepts that the strategy that has been pursued by the Government so far in terms of deficit reduction has failed, which is reflected in the continued decline in income tax returns and shortfalls in Government projections for same; if he has used economic modelling to examine the effects on the economy of injecting stimulus, rather than making cuts; and if he will make a statement on the matter. [41578/10]

Minister for Finance (Deputy Brian Lenihan): Income tax receipts amounted to €8.6 billion for the first ten months of the year. This represented a decline of €579 million or 6.3% on the level collected in the same period of 2009. Budget 2010 forecast that income tax receipts would decline by 2.6% in 2010. At end-October, income tax receipts were €369 million or 4.1% below target. The underperformance in income tax receipts reflects a number of factors, including weakness in the labour market, where there have been declines in pay levels, hours worked and numbers employed. Consequently, PAYE receipts are approximately €200 million below target. The bulk of the remainder of the shortfall against target is driven by DIRT receipts which were below profile for the month of October by an amount in excess of €150 million. An initial assessment of this data suggests that this reflects the decline in deposit interest rates and the high level of debt repayment contained within the savings ratio. The strategy that has been pursued by the Government has been decisive and has been clear in its priorities since the onset of the economic crisis:

- To repair the banking system;
- To restore the sustainability of the public finances; and
- To improve the international competitiveness of the Irish economy

Much progress has already been achieved on all three fronts. The creation of NAMA has enabled the banks to cleanse their balance sheets of toxic assets and return to more normalised lending. Both Allied Irish Bank and Bank of Ireland have committed to providing €3 billion per annum to SMEs. Competitiveness improvements are also evident. Unit labour costs have improved relative to the euro area average by 6 $\frac{3}{4}$ % in 2009 alone. Similarly, Irish price levels have improved considerably relative to our European neighbours, which are enhancing Ireland's export performance. Reflecting this, Irish exports are expected to grow by 6 $\frac{3}{4}$ % this year and remain robust next year. Restoring the public finances to a sustainable footing is the third pillar underpinning the Government's economic strategy. To this end, five separate adjustment packages, incorporating both revenue-raising and spending cuts, amounting to close to €15 billion on a full-year basis have already been implemented.

The benefit of the adjustment measures is already evident. The public finances have stabilised with an underlying deficit of just under 12% of GDP now expected this year, in line with the underlying deficit in 2009. The Government's stated aim is to reduce the deficit ratio to 3% of GDP by 2014 and the four-year Budgetary Plan that we will publish later this month will provide further details on this. It is encouraging that the main Opposition parties share Government's commitment to reduce the deficit ratio to 3% of GDP by 2014 and some to the need for significant frontloading in the context of Budget 2011.

[Deputy Brian Lenihan.]

While progress has been made, more work remains to be done. The Government announced last month that further adjustments of €15 billion would be required over the four year period 2011-2014 to achieve a deficit of 3% of GDP by 2014 and last week announced that there would be a significant frontloading of that adjustment with €6 billion worth of measures pencilled in for 2011. This further illustrates this Government's determination to put the public finances in order and means that over two-third of the required adjustments will have been implemented by the end of 2011.

The Department of Finance's forecasting methodology includes assessing the impact of potential fiscal adjustments on the wider economy. For example, in the 'Information Note on the Economic and Budgetary Outlook 2011-2014' a budgetary adjustment of €6bn is estimated to reduce the rate of growth by somewhere in the region of $1\frac{1}{2}$ — 2 percentage points. Given that there is a borrowing gap of over €19bn in the public finances and that the debt servicing as a percentage of tax revenue has increased from 3.4% in 2007 to 13% this year, suggestions of injecting a stimulus into the economy is not appropriate. Furthermore, as is widely accepted, given the openness of the Irish economy, a substantial amount of any stimulus would be lost through higher levels of imports.

Implementing a budgetary adjustment programme that narrows the gap between expenditure and revenue to a deficit of 3% of GDP by 2014 is the agreed Government strategy most suitable to our current economic situation. This view is shared by the main Opposition parties and is endorsed by the EU Commission, the ECB and the IMF.

National Pension Reserve Fund

67. **Deputy Lucinda Creighton** asked the Minister for Finance the loss he expects the National Pension Reserve Fund to sustain as a result of the State's underwriting of the €5.4 billion Allied Irish Bank plans to raise through the sale of new shares; and if he will make a statement on the matter. [41619/10]

74. **Deputy Joan Burton** asked the Minister for Finance if his attention has been drawn to the fact that it is customary when a company engages in a rights issue that the price of the shares issued thereunder be set at a significant discount to the prevailing market price to attract investors; the reason he intends to press ahead with the €5.4 billion AIB rights issue at a price of 50 cent, when the market price was varied between 20 to 40% below this level; the level of private sector take up of these rights he would expect if the price remains significantly below the price of the rights issue; his views on whether, in the event that the National Pension Reserve Fund were to take up the entire rights issue, this would entail both a significant and immediate loss to the NPRF and a corresponding gain to existing shareholders whose shares would not then be diluted to the extent that would have been the case had the price of the rights issue been set at or below market price; and if he will make a statement on the matter. [41645/10]

77. **Deputy Pat Breen** asked the Minister for Finance the reason the Government intends purchasing Allied Irish Bank shares at 50 cents when they are available on the market at less than 35 cents; and if he will make a statement on the matter. [41616/10]

Minister for Finance (Deputy Brian Lenihan): I propose to take Question Nos. 67, 74 and 77 together.

The Financial Regulator determined on 30 September 2010 that AIB must raise a revised €10.4bn by the end of 2010 in order to meet its capital requirements. To date AIB has

announced the sale of its Polish subsidiary BZWBK, which is expected to generate capital of €2.5bn and the sale of its holding in US bank M&T which has generated €0.9bn in capital. There will be further asset disposals but the remaining capital requirement of the bank will be met largely through a placing and open offer of shares to existing shareholders. The placing and open offer will be fully underwritten by the NPRFC at a fixed price of €0.50 per share.

The underwriting price of €0.50 per share represents a 9.4% discount to the closing price of AIB's stock on 29 September 2010, which was the day before my statement announcing the placing and open offer. The discount to be applied to the prevailing market price is in line with relevant precedent Government underwritten transactions in other jurisdictions. I am advised by the NTMA that it is the normal practice in underwritten transactions that the underwriting price is fixed at announcement. It is not unusual for the share price to fluctuate following the announcement of an underwriting transaction. The real value of the State's investment is not as reflected in the current share price, which is continuing to fluctuate, but in the market value of the bank post once it has recovered.

The structuring of this transaction balances two very important objectives. The first is to ensure appropriate burden sharing through shareholder dilution. The second is to ensure a viable exit mechanism through which the State can recover its investment. It is preferable for the State's medium to long-term investment strategy in the bank that a full and viable listing is maintained. As a result the transaction has been structured to impose significant dilution on existing shareholders, while retaining sufficient public ownership to maintain the bank's stock exchange listing. I am informed by the NTMA that any further dilution of shareholders rights would have undermined the maintenance of a listing.

The size of the State's capital investment remains constant at €5.4bn regardless of the underwriting price used in the transaction. If the underwriting price had been set lower than €0.50 then a greater number of shares would have to be issued to meet the €5.4bn investment and the bank's stock exchange listing would be challenged. This listing provides a route for the NPRF through which the value of its investment in AIB may be realised over time as the economy and banking sector environment improves.

It is not possible to quantify the level of shares likely to be taken up by the private sector in the placing and open offer. However, it is highly likely that the State will acquire a significant majority shareholding in AIB upon completion of the transaction. The value of the State's ordinary share investment in AIB following completion of the transaction will be subject to variations in the underlying share price of AIB on a daily basis and cannot be quantified at this stage.

Departmental Expenditure

68. **Deputy Eamon Gilmore** asked the Minister for Finance the estimate the 2010 year end capital and current balances for voted Departmental spending; his plans to roll these funds over at the discretion of the line Departments, or will these balances be returned to the general fund at end 2010; and if he will make a statement on the matter. [41635/10]

Minister for Finance (Deputy Brian Lenihan): Departmental balances are those amounts issued from the Exchequer Account of the Central Fund to the Supply Account of the Pay Master General for Departmental spending from one year which remain undrawn from the Supply Account at year-end and are carried forward to be used the next year. These amounts are not in addition to agreed allocations as set in the Expenditure Estimates, but are deducted from the Central Fund issues in respect of Departmental expenditure issues for January. As outlined in the *Pre Four-Year Plan Information Note on the Economic and Budgetary Outlook*

[Deputy Brian Lenihan.]

2011-2014, published 4 November, total net voted expenditure in 2010 is anticipated to be some €½ billion above the level originally estimated for the year. This includes the significant one-off costs associated with the recently announced exit mechanisms from the HSE, along with short-falls in Departmental receipts, most notably PRSI and health levy receipts, offset to some extent by savings on capital expenditure.

The question of whether and to what extent the Departmental savings on Capital expenditure can be carried over into 2011, using the Capital carryover facilities of the 2004 Finance Act, will be addressed in the context of the 2011 Budget.

Public Sector Staff

69. **Deputy Ciarán Lynch** asked the Minister for Finance in respect of the Health Service Executive voluntary redundancy and early retirement schemes, the detail of the way this is proposed to be funded; if the up-front cost will impact only on the 2010 general Government balance; the savings that can be expected as a result of these schemes in 2011 and in each year to 2015; the way these savings will impact on the GGB; if the up-front cost will be treated as an exceptional item of expenditure; and if he will make a statement on the matter. [41628/10]

Minister for Finance (Deputy Brian Lenihan): The actual cost and savings under the Voluntary Early Retirement (VER) and Voluntary Redundancy Schemes (VRS) for the health sector will depend on the overall take up of the schemes and the mix of take-up between the VER and VRS options. A maximum amount of €400m will be made available in 2010 to fund the upfront costs of the schemes. It will be included as an additional expenditure item in 2010. To the extent that it increases borrowing — it will be funded from borrowing for the current year and the upfront costs will only impact on the 2010 General Government balance. The projected savings, based on full take up to the €400m cap, are estimated to be some €200m per year. Based on the €400 million costing, this would increase the General Government Deficit (GGD) by 0.25% in 2010. In future years, the cost saving will similarly reduce the GGD by around 0.1% each year.

Fiscal Policy

70. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance if, in view of the fact that savings amounting to €15 billion will be needed which is twice the sum that was under discussion at the time Ireland and the Commission agreed to bring our deficit below 3% of GDP by 2014, he will seek to renegotiate with the European Commission to extend the 2014 deadline; if the European Commission have expressed an opinion on the feasibility of extracting these savings in such a short timeframe; and if he will make a statement on the matter. [41573/10]

Minister for Finance (Deputy Brian Lenihan): Over the course of the last two years, the Irish Government has taken a number of significant steps to begin the process of restoring stability and sustainability to the public finances. These adjustments were necessary because of the large gap that has emerged between revenues and expenditure. Despite the extent of the adjustments implemented so far, further measures are necessary to ensure we meet the 3% of GDP deficit reduction target by 2014. The Government remains fully committed to meeting this target and has not sought to renegotiate the deadline with the EU Commission. The Commission has indicated that it is supportive of the Government's intentions in this regard. Commissioner Rehn stated just last week that he welcomed the continued commitment of the Government to reducing the deficit to below 3% of GDP by 2014. The Government has announced that meeting the deficit target will involve an overall adjustment of €15 billion over the period 2011-

2014. The Four-Year Budgetary Plan, due for publication in the coming weeks, will set out the expenditure and revenue measures required to meet this target. In this regard, a consolidation package of €6 billion for 2011 has been decided upon by Government. Commissioner Rehn has also indicated that he views this as an appropriate adjustment as it strikes the correct balance between allowing the economic recovery to strengthen and addressing the budgetary challenges in a timely and frontloaded fashion. Details on the composition of the adjustment for 2011 and the extent and composition of the measures over the remaining years of the forecast period will be announced in the Four-Year Budgetary Plan. The Four-Year Budgetary Plan will also highlight structural reform measures that will underpin future economic growth.

Tax Code

71. **Deputy Joe Costello** asked the Minister for Finance his plans for lifting the burden of carbon tax on road hauliers; if he will consider a scrappage scheme to assist road hauliers in replacing older vehicles; and if he will make a statement on the matter. [35058/10]

Minister for Finance (Deputy Brian Lenihan): I have no plans to exempt any sector from the carbon tax. The only reliefs from the carbon tax are for those companies that participate in the EU Emissions Trading System (ETS). Unlike the scrappage scheme that currently exists for passenger cars (category A) whereby VRT relief of up to €1,500 is available where a new car of CO₂ emission Bands A or B is purchased (these have a VRT liability of 14% and 16% of the price of the cars, respectively), commercial vehicles attract a standard VRT liability of €50 (Category C). Accordingly, a scrappage scheme would be of little benefit.

Tax Code

72. **Deputy Leo Varadkar** asked the Minister for Finance his views on proposals to impose a tax or levy on text messages; and if he will make a statement on the matter. [37831/10]

Minister for Finance (Deputy Brian Lenihan): As the Deputy will be aware, it is not customary for the Minister for Finance to comment on possible tax and expenditure changes in advance of the Budget.

Departmental Properties

73. **Deputy David Stanton** asked the Minister for Finance further to Parliamentary Question No. 84 of 7 October 2010, the further progress that has been made by the Office of Public Works in relation to the future of the former site at Haulbowline (details supplied) in County Cork; if the group has concluded its deliberations; if a report on same has been received by him; and if he will make a statement on the matter. [41621/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Working Group established by the Government in order to develop a structured and coherent approach to the further management and development of the former Irish ISPAT site at Haulbowline, County Cork, is close to concluding its deliberations.

The Working Group expects to report to Government by the end of the year.

Question No. 74 answered with Question No. 67.

Credit Availability

75. **Deputy Kathleen Lynch** asked the Minister for Finance his view on the current lending

[Deputy Kathleen Lynch.]

environment for small and medium enterprise and for persons seeking mortgages; and if he will make a statement on the matter. [41626/10]

Minister for Finance (Deputy Brian Lenihan): With regard to the provision of business credit, both AIB and Bank of Ireland have committed to providing not less than €3 billion each for new or increased credit facilities to SMEs in both 2010 and 2011. These plans were reviewed by John Trethowan and the Department and were found to be credible. Both Mr. Trethowan and the Department receive monthly progress reports from the two banks which allow us to ensure they deliver on the strong commitments given in their plans to support viable businesses in all sectors of the economy and in every area of the country. Both banks insist that there are no constraints on lending bar demand from viable businesses. To back this up, Mr. Trethowan has reported to the Department that both AIB and Bank of Ireland remain open for business and borrowers should use the Credit Review Office if they find this is not so.

I also note that at least one foreign owned bank has reaffirmed its commitment to the Irish SME market which should assist the situation.

As part of the terms of the recapitalisation of AIB and Bank of Ireland, the banks committed to actively promote mortgage lending at competitive rates, with increased transparency on the criteria to be met. In particular AIB and Bank of Ireland committed to providing an additional 30% capacity for mortgage lending to First Time Buyers. IBF statistics for all mainstream mortgage lenders show that overall mortgage lending to FTB fell by 25% in the full year to June 2010 vis-à-vis the previous comparable period. In this market of retrenchment, AIB and Bank of Ireland continue to lend substantial monies and grow market share.

National Asset Management Agency

76. **Deputy Ciarán Lynch** asked the Minister for Finance his views on the €64 million loss incurred by the National Asset Management Agency in the three months to end June 2010 on the mark-to-market negative movement on hedging derivatives and foreign exchange movements; the nature of these derivative operations; the total nominal exposure of NAMA to derivative products; if he will provide a breakdown of this exposure by product type; and if he will make a statement on the matter. [41632/10]

Minister for Finance (Deputy Brian Lenihan): NAMA advise that in terms of the €64m valuation movement reported in the second quarterly report of NAMA, it is most important to note that this is a mark-to-market movement on the derivative valuations in accordance with international accounting standards and these figures will, over time, increase and decrease in line with market movements in interest rates. As such, this is not a permanent loss or, indeed, a cash loss for the period. I am informed by NAMA that it must transact derivatives to manage both the exposures arising from the transfer of debtor derivatives from participating institutions and to manage the interest rate and foreign exchange risk in the NAMA Balance Sheet.

In terms of debtor derivatives transferring to NAMA, the total nominal value expected to transfer is just over €14bn, with €6.4bn having transferred by June 30th 2010. NAMA only pays for performing derivatives (€184m to June 30th 2010); non-performing derivatives are acquired at no consideration. Apart from one inflation-indexed swap, the remaining products are interest rate derivatives: 95% are plain vanilla interest rate swaps and 5% are interest rate options. Over €7bn of the transferred debtor derivatives are due to mature by the end of December 2011.

Apart from transactions executed in order to manage the interest rate risk arising on these debtor derivatives, NAMA additionally entered into a number of interest rate swaps to hedge

(fix) the variable interest rate it pays on a portion of the NAMA bonds issued to participating institutions as payment for the loan assets acquired. These swaps are used to protect NAMA from rising interest rates. With regard to foreign currency, NAMA hedges the consideration paid for foreign currency assets; the currency risk arises from the fact that NAMA only issues euro-denominated bonds for such assets.

I am advised by NAMA that in view of its commercial remit, it would not be appropriate to disclose full details to the market regarding each derivative position at this point. However, the Deputy should note that comprehensive information about NAMA's hedging activities will be published in the Agency's annual accounts due for release in 2011.

Question No. 77 answered with Question No. 67.

Fiscal Policy

78. **Deputy Joe Carey** asked the Minister for Finance the reason income tax receipts were below profile in the Exchequer returns published on 2 November 2010; and if he will make a statement on the matter. [41611/10]

91. **Deputy Thomas P. Broughan** asked the Minister for Finance his views on the continued weakness in income tax receipts; the extent to which he attributes this ongoing weakness to emigration, job losses, declining hourly pay, declining hours worked, declining labour market participation or other factors; and if he will make a statement on the matter. [41623/10]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 78 and 91 together.

Income tax receipts amounted to €8.6 billion for the first ten months of the year. This represented a decline of €579 million or 6.3% on the level collected in the same period of 2009. Budget 2010 forecast that income tax receipts would decline by 2.6% in 2010. At end-October, income tax receipts were €369 million or 4.1% below target. The underperformance in income tax receipts reflects a number of factors, including weakness in the labour market, where there have been declines in pay levels, hours worked and numbers employed. Consequently, PAYE receipts are approximately €200 million below target. The bulk of the remainder of the shortfall against target is driven by DIRT receipts which were below profile for the month of October by an amount in excess of €150 million. An initial assessment of this data, suggests that this reflects the decline in deposit interest rates and the high level of debt repayment contained within the savings ratio.

Economic Competitiveness

79. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which his Department continues to monitor the competitiveness of the economy; the way this now compares with other EU member states those within the eurozone and without; the number of corrective measures if any proposed or intended; and if he will make a statement on the matter. [41654/10]

155. **Deputy Bernard J. Durkan** asked the Minister for Finance the degree to which this economy is competitive in comparison to the most competitive within the EU; and if he will make a statement on the matter. [42036/10]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 79 and 155 together.

[Deputy Brian Lenihan.]

My officials continuously monitor and analyse how cost developments are impacting on our economic performance and I am briefed accordingly.

The standardised methodology for monitoring relative competitiveness across the euro area is the Harmonised Competitiveness Indicator. While it cannot be denied that Ireland had its competitive edge eroded relative to our European peers, as a country we are regaining this competitiveness. Since mid-2008, the Harmonised Competitiveness Indicator (HCI) for Ireland, as measured by the Central Bank of Ireland, has been falling more or less constantly, indicating an improvement in our international competitiveness. This improvement comes despite the renewed appreciation of the euro against the dollar and sterling in the wake on quantitative easing measures in both the US and UK.

Ireland, as a member of a currency union, must focus on improving competitiveness at home. In this regard, we are seeing the benefits of our labour market flexibility: much available evidence points to recent downward pressure on wages in the economy, eg. average weekly earnings in the first half of 2010 fell by 1.6%. Furthermore, unit labour costs — wages adjusted for productivity — are forecast by the European Commission to fall in Ireland next year. In addition, Ireland has had the biggest decline in consumer prices of the euro area which has had a considerable positive impact on our competitiveness.

While the falls in domestic prices, easing wage pressures and improvements in productivity are helpful, we must not be complacent as further improvements in our competitiveness are essential to take advantage of the global recover. To this end, the Four-Year Plan will outline a programme of structural reforms which will help to further restore competitiveness and support economic growth. The Plan will be published later this month.

Government Deficit

80. **Deputy Arthur Morgan** asked the Minister for Finance if his attention has been drawn to the Economic and Social Research Institute quarterly economic commentary for the third quarter of 2010 that had grave doubts about the ability of Government to bring our deficit below 3% of GDP by 2014 without damaging the economy; and if he will make a statement on the matter. [41572/10]

Minister for Finance (Deputy Brian Lenihan): With regards to the 3% target by 2014 — this benchmark was agreed by all EU Member States and the EU Commission. Ireland is not alone in the need to reduce its deficit — some 24 of 27 Member States are in excessive deficit. Some of these countries have committed to reducing their deficit to 3% by 2012 or 2013. There is clearly a wide gap between what we are spending and our income, such a gap is not sustainable. What we spend on our public services must be funded by an efficient tax system. In the medium term we cannot borrow to fund day to day services. For every €1 billion of this gap we put off addressing, we have to borrow that €1 billion every year and pay interest on this borrowing.

The Deputy will be aware that last week the Government announced that a consolidation package of €15 billion will be required over the course of the next four years if we are to deliver on our deficit reduction target. A significant frontloading of the consolidation of €6bn in 2011 is deemed necessary and will underline the strength of our resolve in showing that the Government is serious about tackling the public finance difficulties. My Department now expects annual average real GDP growth to be 2 $\frac{3}{4}$ % over the 2011 to 2014 period. These growth forecasts incorporate the impact of the post-Budget consolidation measures outlined in the Information Note on the Budgetary and Economic Outlook which was published on Thursday 4 November.

Further details on the nature of the adjustment for 2011 and the distribution and composition of the measures over the remaining years of the forecast period will be announced in the Four-Year Plan. In addition the Plan will outline a programme of structural reform, which will help to further restore competitiveness and support economic growth. The Plan will be published later this month.

Financial Services Sector

81. **Deputy Michael Noonan** asked the Minister for Finance if he has received a report conducted by Ernst and Young into policies and practices at Irish Nationwide Building Society; if he will publish the report; and if he will make a statement on the matter. [41607/10]

Minister for Finance (Deputy Brian Lenihan): The Board of Irish Nationwide Building Society has commenced a process to investigate certain “legacy” issues in the Society. As a first step in this, the Board engaged a firm of investigating accountants to delineate appropriate areas for inquiry. An initial report was presented to the Board of the Society in June 2010, copies of which were presented to the Central Bank, the NTMA, to whom I have delegated certain of my banking functions, and to my Department. I presume this is the report to which the Deputy is referring. Arising from this, the Board of the Society has agreed arrangements for the further investigation of appropriate matters. The Central Bank and the NTMA are being kept informed of progress. In view of the legal status and contents of the document, and the fact that matters continue to be examined, I am not at liberty to publish it.

European Financial Stability Facility

82. **Deputy Mary Upton** asked the Minister for Finance his views on proposals to set up a permanent successor fund to the European Financial Stability Facility; if he expects that conditionalities attached to any such fund would necessitate amendments to the Lisbon treaty; and if he will make a statement on the matter. [41650/10]

Minister for Finance (Deputy Brian Lenihan): The Report of the Van Rompuy Task Force, on which I represented Ireland, was endorsed by the European Council meeting of 28-29 October 2010. The Report concluded that in the light of the Greek crisis that a more robust framework is needed for crisis management, notwithstanding the establishment of the European Financial Stability Facility which was put in place earlier this year and covers the period to mid-2013. The Task Force outlined various aspects of a permanent crisis resolution framework and concluded that further work is needed on its setting up including consideration of possible Treaty change. I support this work in the context of safeguarding the financial stability of the euro area as a whole. The European Council has asked President Van Rompuy to undertake consultations with Member States on the question of limited treaty change and to report back in December. The European Commission in consultation with President Van Rompuy will undertake preparatory work on the general features of a new mechanism. The Council propose to consider the matter further at its December meeting with a view to a limited treaty amendment so that any change can be ratified by mid-2013 at the latest.

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.

When 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 whether it will necessitate amendments to the EU Treaties and if so what will be needed to enable Ireland to ratify the new arrangements. However, I can assure the House

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that whatever legal steps are necessary and appropriate will be followed. I would emphasise though that what is being proposed at present is a very targeted and limited exercise. It is worth recalling here 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 being increased.

No decision was taken at the recent European Council on which approach should apply in this case. However, the Council conclusions emphasised the limited nature of what is being proposed.

Debt Interest Payments

83. **Deputy Jan O’Sullivan** asked the Minister for Finance if he will set out a schedule of interest payments, both imputed and actual, for the promissory notes issued to Anglo Irish Bank, Irish Nationwide and EBS and for the debt raised on the bond market to pay down this debt; the estimated cumulative Exchequer borrowing requirement and general government balance impact of these payments over the 2010 to 2025 period; and if he will make a statement on the matter. [41641/10]

Minister for Finance (Deputy Brian Lenihan): The information requested by the Deputy is set out in the table as published on the Department of Finance website on 4th November last:

Impact of Promissory Notes and Special Investment Shares on Public Finances

	Promissory Note Payments (cash borrowings)	Incremental Annual Debt Interest Costs on Payments **(cash borrowings)	Cumulative Debt Interest Costs on Payments (cash borrowings)	Promissory Note Interest Charge
	€bn	€bn	€bn	€bn
2010	0.2*			0.6
2011	3.1	0.20		0.0
2012	3.1	0.15	0.35	0.0
2013	3.1	0.15	0.50	1.8
2014	3.1	0.15	0.65	1.6
2015	3.1	0.15	0.80	1.5
2016	3.1	0.15	0.95	1.4
2017	3.1	0.15	1.10	1.3
2018	3.1	0.15	1.25	1.2
2019	3.1	0.15	1.40	1.0
2020	3.1	0.15	1.55	0.9
2021	3.1	0.15	1.70	0.7
2022	3.1	0.15	1.85	0.5
2023	3.1	0.15	2.0	0.3
2024	1.9	0.10	2.10	0.2
2025	0.9	0.05	2.15	0.1

*Special Investment Shares of 100m in INBS and EBS.

**The interest costs on cash borrowings of 3.1 billion in 2011 are currently estimated at approximately 200 million. This is based on a technical assumption of an interest rate of 6.5% in 2011. For the following years, a technical assumption of an interest rate of 4.7% has been assumed in the calculations. This is based on the weighted average cost of funds raised by the NTMA in the bond market in 2010 which is 4.7%, the same as the average funding cost achieved in 2009.

The figures in the table are current working estimates of the impact of the Promissory Notes and Special Investment Shares on the public finances out to the middle of the next decade. The figures are subject to change.

Flood Relief

84. **Deputy Joanna Tuffy** asked the Minister for Finance the reason Ireland did not join the European floods alert system until this year; the plans that are in place to avoid a recurrence of the devastation caused by last years floods now that Ireland is a member of EFAS and can expect a three day to ten day flood warning; and if he will make a statement on the matter. [37431/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Following the major floods in the Elbe and Danube in August 2002, the European Commission initiated the development of a European Flood Alert System (EFAS). The development of this system is ongoing. A prototype of such a European Flood Alert System is, at present, being developed and tested at the Weather Driven Natural Hazards Action in the Institute for Environment and Sustainability of the EC Joint Research Centre. EFAS is being developed in close collaboration with nearly thirty meteorological Services and Water Authorities of other EU Member States.

The present prototype of EFAS produces early flood alerts on a European scale and is designed to provide a medium range flood watch and alert system for river catchments greater than 4,000 square kilometres in area, and as such this will not match the size of most Irish river catchment areas, other than the River Shannon.

The OPW has now decided to become a member of the EFAS experimental project for an initial five year period. This decision has been made because the stage of development of the system suggests that a refinement of the system to provide regional applicability to the Irish scale catchment areas may be possible over the next few years.

Under the terms to which OPW has signed up to membership of EFAS it is explicitly understood, by all members, that EFAS is in a development and testing stage and is therefore to be considered as an experimental product which is under ongoing validation. While it is in experimental stage, all EFAS results must be treated as a research output only.

It would be incorrect, to characterise the recent decision to become a member of EFAS in any way as addressing the needs for a flood alert system for Ireland. That requirement is at present being evaluated under the strategic review of flood warning and forecasting for Ireland which is due to be completed in 2011.

Fiscal Policy

85. **Deputy Jimmy Deenihan** asked the Minister for Finance the reason receipts for corporation tax as published on 2 November 2010 were below the receipts for the equivalent period in 2009; and if he will make a statement on the matter. [41612/10]

Minister for Finance (Deputy Brian Lenihan): Corporation tax receipts in the first ten months of the year, at €2.6 billion, were €206 million or 7.3% below the level collected in the same period of 2009. The Budget 2010 forecast anticipated a decline of 19% in corporation tax receipts this year. This assessment was made having regard to a number of factors including a weak economic environment and 2009's receipts receiving a once-off benefit from a payment date change.

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However, it is encouraging to note that corporation tax receipts have performed better than expected this year and at end-October, receipts were €473 million or 22% above the amount which had been targeted for collection. November is a key month for corporation tax collection, but given the performance of receipts to date, the overall forecast for corporation tax receipts for this year may be bettered.

Tax Code

86. **Deputy Joe Costello** asked the Minister for Finance the purpose of the €10 air travel tax; the amount of money collected since the tax was initiated; if he has considered a cost benefit analysis of the tax; his plans to discontinue the tax; and if he will make a statement on the matter. [35230/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that the yield from the air travel tax for the nine months it was in place in 2009 was €84.4 million and that the yield to date in 2010 is €88.2 million — total yield €172.6 million.

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. The Deputy may wish to note that both Germany and Austria have announced plans to introduce an air travel tax with effect from 1 January 2011.

I have stated before that the impact of the tax on passenger numbers is being overstated. However, as a matter of policy, taxation measures are reviewed on a regular basis and particularly as part of the Budgetary process.

Public Service Staff

87. **Deputy Martin Ferris** asked the Minister for Finance the direction given by his Department to public sector workers who were left stranded abroad as a result of the volcanic ash disruption; the specific direction that was given to these workers in terms of making up their hours; if his Department accepted the exceptional circumstances that caused absences in work; and if he will make a statement on the matter. [41577/10]

Minister for Finance (Deputy Brian Lenihan): In the matter raised by the Deputy my Department has direct responsibility in respect of the civil service only. Accordingly, the Department of Finance wrote to Personnel Officers of Government Departments and Offices on 27 April 2010 and 6 May 2010 with regard to civil servants who were stranded abroad as a result of the volcanic ash disruption. Civil Servants who were absent abroad on official business and who were prevented by the volcanic ash cloud from returning to Ireland were regarded as if they had been attending work for the period of their absence.

Civil servants who were stranded abroad but not on official business were facilitated with a number of options to assist them in addressing the period of their absences from duty during the volcanic ash activity. These options included the use of annual leave, special leave without pay, the flexi-leave system (if available).

Consumer Sentiment Index

88. **Deputy Michael Creed** asked the Minister for Finance the reason the KBC Ireland-ESRI consumer sentiment index slipped last month to 48.1 from 52.4 in September, bringing the index to its lowest level for 17 months; and if he will make a statement on the matter. [41617/10]

Minister for Finance (Deputy Brian Lenihan): The KBC Ireland/ ESRI consumer sentiment index for October was disappointing. This reflects uncertainty about the short term economic prospects among consumers which is also reflected in the present high savings ratio as they seek to reduce their personal debt levels and also hold off making purchases. There is, however, some good news on the economic front. Labour market conditions — that have a major impact on consumer sentiment — are showing signs of stabilising. The Live Register has fallen considerably in the last two months. In fact, the fall in numbers on the Live Register in October was the largest fall in 14 years. Other recent good news on the labour market was the announcement that September last saw the biggest number of new professional job vacancies since October 2008. The September figures were up 40 per cent on a year earlier. However, it still must be acknowledged that the unemployment rate is at historically high levels, but any reduction in unemployment is welcome at this time.

Providing certainty and clarity to the market and wider society through the publication of the four-year plan later this month is important. While it will seek sacrifices from all across society, the plan will offer a clear path towards economic sustainability. The certainty provided by setting out the policy measures that people can expect to see implemented in the next four years will enable consumers to make fully informed consumption decisions and thus contribute positively towards economic growth.

Financial Services Regulation

89. **Deputy Pat Rabbitte** asked the Minister for Finance the efforts that have been undertaken to introduce a mechanism whereby credit unions with surplus, uninvested funds can channel these funds into secure, productive investments in the Irish small and medium enterprise and infrastructure lending sectors; and if he will make a statement on the matter.
[41651/10]

Minister for Finance (Deputy Brian Lenihan): The Government has brought in a series of measures to ensure that viable businesses, especially SMEs, get the credit they need. As part of the Government's strategy, announced last March, both AIB and Bank of Ireland have committed to lending €12 billion for new or increased credit facilities to SMEs over two years (from March 2010). This lending is being monitored on a monthly basis by sector and geography and reviewed by Mr. John Trethowan of the Credit Review Office.

In addition, the banks are working with Enterprise Ireland and the IBF to develop sectoral expertise in the modern growth sectors of the Irish economy and to develop the range of banking services that Irish SMEs trading internationally will need.

Furthermore, AIB and Bank of Ireland are also subject to the Credit Review Office. SME businesses that have had credit refused or withdrawn, can apply for an independent review of the bank's decision after the internal appeal.

The Deputy is aware credit unions are independent financial institutions with full responsibility and control over their own funds. It is open to credit unions to invest surplus funds as they see fit provided that such loans or investments are made in accordance with the provisions of the Credit Union Act 1997. As Minister for Finance I do not have a role in making recommendations to credit unions on where they might invest their funds.

Section 55 of the Credit Union Act 1997 sets out details of the functions of the board of directors of a credit union. This includes the making of decisions on applications for loans and decisions in respect of the investment of funds of the credit union. There are also obligations on boards on the general control, direction and management of the affairs, funds and records of their credit unions. In this context, the Registrar of Credit Unions requires credit unions to

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manage their business in a prudent manner and to comply with all regulatory requirements, guidance notes and circulars which he issues.

It goes without saying that a credit union must have the relevant skills and expertise to evaluate and manage commercial lending and the resulting exposure to the credit union. Skills, experience and expertise are a prerequisite before a credit union should consider any proposals to engage in SME lending. Where credit unions are approached about such lending, the Registrar would expect that in the first instance they would discuss this with his Office particularly as it is a specialist type of lending required by many SMEs.

Bank Guarantee Scheme

90. **Deputy Brian O'Shea** asked the Minister for Finance his plans to extend the issuance period for liabilities covered under the eligible liabilities guarantee scheme beyond end 2010; if he has sought, or intends to seek, EU state aid approval for such an extension; the guarantee income he would expect to accrue to the Exchequer in 2011 if the guarantee were to be extended to the end of 2011 on existing terms and conditions; and if he will make a statement on the matter. [41638/10]

Minister for Finance (Deputy Brian Lenihan): The Eligible Liabilities Guarantee Scheme has been an important support to the Irish banking system, facilitating its access to both short and longer term funding to help maintain the overall stability of the banking sector. It complements the broad Government Strategy to restore fully the banking system and maximise its contribution to overall economic recovery. On the advice of the Governor of the Central Bank, I am extending the issuance period beyond the current end date of 31 December 2010, and on financial stability grounds will be placing an SI before the House shortly which will enable the issuance period to extend to 31 December 2011. As the Deputy may be aware, the European Commission today announced the approval of the Scheme under State aid rules to 30 June 2011 which is the maximum period permitted for state aid approval under the European Commission policy on guarantee schemes.

The Deputy may also wish to note that the ECB has been notified of the intention to provide for an extension to 31 December 2011, and, in its legal opinion of 2 November 2010, has endorsed the approach on financial stability grounds.

If the guarantee were to be extended to the end of 2011 on existing terms and conditions I would expect income in excess of €800 million to accrue to the Exchequer in 2011. However, the yield to the Exchequer depends on a range of factors such as the maturity profile of the liabilities and the extent to which institutions choose to make unguaranteed issuances, all of which are sensitive to prevailing market conditions.

Question No. 91 answered with Question No. 78.

Budget Statement

92. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance if and when his Department will publish an impact assessment analysis of budget 2011; if his Department will poverty proof budget 2011 and the four-year budgetary plan that it will release; when the publication of an impact analysis is expected to be published; and if he will make a statement on the matter. [41575/10]

Minister for Finance (Deputy Brian Lenihan): My Department will publish an assessment of 2011 income tax measures using poverty impact assessment criteria. Other Departments may publish further examinations at that time.

Banking Sector Regulation

93. **Deputy Seán Sherlock** asked the Minister for Finance if he will provide an update on the progress with the restructuring and consolidation of the Irish banking system; and if he will make a statement on the matter. [41633/10]

Minister for Finance (Deputy Brian Lenihan): The State's primary consideration in its involvement in the banking system is to protect, in the public interest, the financial and economic system of the State. Therefore, all of the Government's actions in the banking area are designed to support the development of a reformed and reinvigorated banking system that can serve our economy in a proper manner and, within which, there is scope for all viable credit institutions operating in the Irish market to play their full part. As outlined in my Statement on Banking on 30 September last, financial institutions, with the help of the State, are now taking steps to meet their required capital needs and certain reorganisation developments within the sector are also proceeding. For example, the Government has decided to split Anglo Irish Bank into a Funding Bank and a separate Asset Recovery Bank which will work out and realise the maximum value from the bank's non-NAMA assets over time. This revised approach is currently under examination by the European Commission under State Aid rules. AIB is taking various steps, including asset sales and placing an open offer of new shares to raise additional capital, which will likely result in further investment by the National Pensions Reserve Fund Commission. Also, two bids for the purchase of the EBS Building Society, one from an existing bank and the other from a consortium of international investors, are currently under active consideration. In addition, viability and restructuring plans in respect of Irish Life and Permanent and Irish Nationwide Building Society have been submitted to the European Commission and are now under consideration. The support of the State should allow an orderly transition of our banking system to meet the requirements of the country in the coming years.

Budget Statement

94. **Deputy Willie Penrose** asked the Minister for Finance if he will set out a template of the four year stability plan which is under preparation for the European Commission detailing exactly the information the Commission is looking for, the format of same and the amount of detail; and if he will make a statement on the matter. [41629/10]

Minister for Finance (Deputy Brian Lenihan): The Government will publish a Four-Year Budgetary Plan in the coming weeks which will set out the expenditure and revenue measures required to meet the deficit target of 3% of GDP by end-2014. The Plan is not being prepared at the behest of the EU Commission, nor has the Commission dictated the contents, or indeed any aspect of the Plan's format. Publishing a four-year plan was a decision taken by Government to reaffirm our commitment to tackling the imbalances in the public finances and returning them to a more sustainable position over the medium term. Officials from my Department have met and shared information with Commission Officials as they have also done with the Opposition parties. I met with Commissioner Rehn on Monday last to update him on progress on the Four-Year Budgetary Plan. These meetings and discussions are a very useful and constructive part of the process of developing the Plan. Last week my Department published a technical Information Note detailing the emerging economic and budgetary position for 2010 and providing an assessment of the economic and budgetary outlook for 2011 and for the medium-term. The Note outlined that a consolidation package of €6 billion for 2011 has been decided upon by Government. Details on the composition of the adjustment for 2011 and the extent and composition of the measures over the remaining years of the forecast period will be announced in the Four-Year Budgetary Plan.

[Deputy Brian Lenihan.]

Importantly, the Four-Year Budgetary Plan also will highlight structural reform measures that will underpin future economic growth. Reforms to the budgetary framework will also be a part of the Plan. Following the publication of the Four-Year Budgetary Plan later this month, Budget 2011 will be published on 7th December.

Financial Services Regulation

95. **Deputy Noel J. Coonan** asked the Minister for Finance when a decision will be made on the sale of EBS; the strategic considerations that will be taken into account in making the decision; and if he will make a statement on the matter. [41614/10]

Minister for Finance (Deputy Brian Lenihan): To secure EBS's immediate capital position, the State on 27 May 2010 provided EBS with €100 million of capital through the issuance of Special Investment Shares in a manner consistent with the EU State aid rules. A Promissory Note to the amount of €250 million was issued to the society on 17 June 2010 to enable EBS to continue to meet its capital adequacy requirements. The State is exploring all of the options available and seeking to maximise the returns and benefits and to minimise the costs incurred by the taxpayer. Expressions of interest in the society were received from a number of parties and, as recently announced, two bids for EBS are now being considered; one from Irish Life & Permanent and the other from an international consortium led by Cardinal Capital Group. The process of final negotiations with these parties is continuing and it would not be proper for me to comment further on the detail at this stage.

Sovereign Borrowing Costs

96. **Deputy Eamon Gilmore** asked the Minister for Finance his views on the recent escalation of Irish sovereign borrowing costs; and if he will make a statement on the matter. [41634/10]

Minister for Finance (Deputy Brian Lenihan): The extreme volatility on euro sovereign bond markets in recent days has seen yields on Irish Government bonds rise significantly, along with those of other so-called peripheral countries. While yields in the secondary market are currently at an elevated level, it must be borne in mind that no new Government debt is being issued at these rates. The purpose of the end-September Banking Statements and the soon to be published Four-Year Budgetary Plan is to encourage market confidence by bringing greater clarity as regards the recapitalisation needs of the banks and the restoration of a sustainable budgetary position. The National Treasury Management Agency raised €1.5 billion in its most recent bond auction on the 21 September. This means the target of raising €20 billion from the bond markets in 2010 has been achieved. Allowing for cash balances, retail debt and long-term funding carried over from last year, the Exchequer is fully funded well into the first half of 2011. In light of this and in order to give the markets time to digest the end-September Statements on banking and the Four-Year Budgetary Plan, the NTMA decided not to proceed with the planned bond auctions for October and November 2010 and will return to the bond markets in the usual way in early 2011.

Exchequer Savings

97. **Deputy Michael Creed** asked the Minister for Finance the reason expenditure on capital projects was €1 billion below profile on 2 November 2010; and if he will make a statement on the matter. [41613/10]

Minister for Finance (Deputy Brian Lenihan): The actual roll-out of capital expenditure is a matter for other Departments, operating within a delegated sanction that covers not only capi-

tal investment this year but contractual commitments for the next three years. While the level of shortfall is high to date this year, it is not unprecedented and there will be some catch-up before year-end. I understand from the reports from other Departments that there are number of particular factors which have contributed to the shortfall this year. Tender prices have seen sharp reductions — this is good news given our fiscal position as it means we can deliver more with less. A reduction in land prices is also a factor.

Given the extent of the overall shortfall in capital spending this year, I do anticipate that there will be a saving this year but the precise figure will not be known until December.

Company Administration

98. **Deputy Jan O’Sullivan** asked the Minister for Finance the progress of the restructuring of Quinn Group; the level of losses incurred by Anglo Irish Bank to date on loans to Quinn Group; and if he will make a statement on the matter. [41640/10]

Minister for Finance (Deputy Brian Lenihan): On 3 June the High Court granted the Joint Administrators permission to appoint advisors on any prospective sale of Quinn Insurance Ltd (QIL). The advisors, on behalf of the Joint Administrators, issued an information memorandum on 27 August on the sale of the company to interested parties which set out a two stage process for selecting a purchaser. The first stage required the submission of a non-binding indicative proposal by Friday 17 September. I understand that following evaluation by the advisors and the Joint Administrators of the above mentioned proposals, a limited number of prospective purchasers have been shortlisted by the Administrator to participate in Phase II of the sale process. They are conducting further due diligence including the consideration of the necessary commercial information underlying the company to enable them make a final bid. I understand that the Administrator wants to conclude a sale transaction by the end of the year.

On the question of the level of losses incurred by Anglo Irish Bank to date on loans to the Quinn Group, I should state at the outset that the relationship between Anglo and the Quinn Group is a commercial one. Under the Relationship Framework put in place under the Anglo Irish Corporation, Act 2009, which governs the relationship between the bank and its shareholder the State, issues relating to the commercial activities at the bank are a matter for the board in respect of which as Minister for Finance I have no role in day to day management decisions.

It has been well publicised that the bank has a large exposure to the Quinn Group. Consequently the losses the bank might make depend to a large degree on future developments in the company and commercial decisions it makes in managing its commercial relationship with the company and any restructuring of the lending that may take place.

In addition, the taking of impairments on loans by Anglo and the timing of these decisions is a commercial matter for the bank. As you will appreciate, in my role as Minister for Finance and consistent with the terms of the Relationship Framework, I have no input into such decisions which are a matter for the management and board of Anglo on the basis of advice of their auditors in line with international accounting standards.

In summary, therefore there are a number of commercial options open to Anglo management which could result in a variety of outcomes, making any accurate estimate of ultimate loan losses very difficult at this stage and subject to very significant uncertainties. However, I would expect Anglo to keep me informed of any significant developments which would affect their capital position including any impact, should it materialise, from its exposure to the Quinn Group.

Departmental Properties

99. **Deputy David Stanton** asked the Minister for Finance the number of properties under control of the Office of Public Works currently in use by the Department of Defence or Defence Forces; and if he will make a statement on the matter. [41620/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Commissioners of Public Works currently have under their control seven properties used by the Department of Defence or Defence Forces.

Four of the properties are State-owned:

- Department of Defence HQ, Station Road, Newbridge, Co. Kildare, Department of Defence Finance Branch, Renmore, Galway,
- Department of Defence, Colaiste Caoimhin, St. Mobhi Road, Glasnevin, Dublin 11 and
- Department of Defence, Infirmary Road, Dublin 7.

Three of the properties are leased:

- Park House, North Circular Road, Dublin 7,
- Roscrea Civil Defence School, Enterprise House, Benamore Business Park, Dublin Road, Roscrea, Co. Tipperary and
- The Office of the Ombudsman for the Defence Forces, 13-15 Hatch Street, Dublin 2.

Tax Collection

100. **Deputy Róisín Shortall** asked the Minister for Finance in view of the expiry of the relevant 31 October deadline for self-declaration, if he will provide an update on the implementation of further measures announced in budget 2010 with respect to the treatment of non-residents for tax purposes; the revenue that has been raised from these measures to date; the amount of revenue he expects these measures to yield in 2011; the number of non-residents for tax purposes these measures have affected; according to the most recent figures at his disposal, how many such non-residents are there; and if he will make a statement on the matter. [41647/10]

Minister for Finance (Deputy Brian Lenihan): I am assuming that the reference by the Deputy to “further measures announced in Budget 2010 with respect to the treatment of non residents for tax purposes” is a reference to the Domicile Levy introduced by section 150 of the Finance Act 2010. The Domicile Levy is charged on an individual:

- who in any year is Irish domiciled and an Irish citizen,
- whose worldwide income in the year exceeds €1m,
- whose Irish located property in the year is greater than €5m, and
- whose liability to Irish income tax for the year is less than €200,000.

The Levy will be charged for 2010 and subsequent years, but the payment for each year can be made at any time up to 31 October in the year following the valuation date, which is 31 December of each year. The first valuation date will be 31 December 2010 and the tax return

and payment of the Levy for 2010 will not be due until 31 October 2011. No revenue will therefore be raised from the Domicile Levy in 2010.

As yet, no one has “self-declared” for the Domicile Levy for the tax year 2010. This is because it is not possible to establish whether the levy applies to an individual for a particular tax year until after the end of that year.

At this stage it is not possible to estimate the amount of revenue that may be raised from the Domicile Levy in 2011. Because of the absence of reliable data, neither is it possible at this stage to estimate the number of non-residents that are likely to be chargeable to the Domicile Levy.

Banking Sector

101. **Deputy Pat Rabbitte** asked the Minister for Finance his views on the liquidity position of the Irish banking system; if this liquidity has come under significant threat in recent weeks; and if he will make a statement on the matter. [41652/10]

Minister for Finance (Deputy Brian Lenihan): The Deputy will appreciate that as Minister for Finance it is not appropriate for me to discuss the liquidity positions of Irish banks. The Deputy will be aware that procedures have been in place since the establishment of the euro-zone to deal with any problems which may occur, from time to time, for any member country. This is a normal feature of Central Banking for any currency.

Credit Availability

102. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Finance if he has audited the delivery of lending commitments by banks made as part of the €7 billion recapitalisation agreement in 2009; the progress that has been made to date by Allied Irish Banks and Bank of Ireland in delivering €3 billion in credit each to small and medium enterprises; when will he be able to audit the lending plans of the two institutions for this year; if he is satisfied that banks are meeting the needs of Irish business; and if he will make a statement on the matter. [41574/10]

Minister for Finance (Deputy Brian Lenihan): In the subscription agreement, AIB and Bank of Ireland were tasked with making available 10% additional capacity for SME lending in 2009. While the figures are not audited as such, both banks report to the Financial Regulator and to my Department on a quarterly basis on progress on SME lending. The banks stated that there were no constraints on lending to viable businesses. However, the 10% target did not result in the expected level of additional lending. The following table outlines the lending of AIB and Bank of Ireland to SMEs in 2009.

€m's	Sanctioned	Drawdown
AIB	2,507	1,620
BOI	3,158	2,533

As part of the transfer of loans to NAMA, both banks undertook to make available not less than €3 billion each in both 2010 and 2011 for lending to SMEs. They were required to produce lending plans on how they would achieve this. Summary versions of these plans were published with the first quarterly report from Mr John Trethowan, the credit reviewer. These plans were reviewed by John Trethowan and the Department and were found to be credible.

[Deputy Brian Lenihan.]

The Deputy will be aware that my Department and Mr. Trethowan of the Credit Review Office receive monthly progress reports from the two banks which allow us to monitor their lending to viable businesses in all sectors of the economy and in every area of the country. This information is commercially sensitive. The banks have 12 months to reach their targets and the overall results of their activities will be published in due course.

In addition to the monitoring, the Credit Review Office reviews decisions of banks to refuse credit on application from the customer to ensure that the banks are not refusing to lend to viable businesses.

Both banks insist that there are no constraints on lending bar demand from viable businesses. To back this up, Mr. Trethowan has reported to the Department that both AIB and Bank of Ireland remain open for business and borrowers should use the Credit Review Office if they find this is not so.

Legislative Programme

103. **Deputy Bernard J. Durkan** asked the Minister for Finance the number of legislative measures already taken to safeguard the economy, the taxpayer and the country's international creditability in the wake of the banking and economic downturn; the number of further legislative proposals currently contemplated in this regard; when such proposals are likely to be passed into law having particular regard to the need to restore full confidence in the banking and leading institutions and as a consequence provide the basis for economic recovery; and if he will make a statement on the matter. [41653/10]

Minister for Finance (Deputy Brian Lenihan): As far as my Department is concerned, a number of measures have been taken over recent years to ensure that appropriate measures are taken to address the economic and budgetary challenges which we are facing, including the challenges arising in respect of the financial services sector. These include:

- Credit Institutions (Financial Support) Act 2008;
- Financial Emergency Measures in the Public Interest Act 2009;
- Anglo Irish Bank Corporation Act 2009;
- Financial Services (Deposit Guarantee Scheme) Act 2009;
- Investment of the National Pension Reserve Fund and Miscellaneous Provisions Act 2009;
- National Asset Management Agency Act 2009;
- Financial Emergency Measures in the Public Interest (No. 2) Act;
- Central Bank Reform Act 2010;
- European Financial Stability Facility Act 2010.

If further measures are needed these will be put before the Houses in due course.

Banking Sector Regulation

104. **Deputy Willie Penrose** asked the Minister for Finance the progress that has been made

with preparations for the introduction of a special resolution regime for Irish banks; and if he will make a statement on the matter. [41630/10]

Minister for Finance (Deputy Brian Lenihan): I have indicated previously that I am examining options for the introduction of a legislative regime to deal in a systematic way with distressed financial institutions. This is to ensure the State has in place a range of tools to address problem institutions effectively in the interests of maintaining financial stability, minimising reliance on public moneys and ensuring continuity of key banking activities. My Department is working with the Central Bank of Ireland to examine the policy issues arising in this area with a view to the development of draft legislative proposals. There are some significant legal and constitutional issues that need detailed assessment in advance of the finalisation of legislative proposals for consideration by the Government. This work is in addition to work underway by my Department and the Office of the Attorney General on resolution and reorganisation legislation, which will enable the implementation of reorganisation measures specific to Anglo Irish Bank and INBS to address the issue of burden-sharing by subordinated bondholders. The Deputy may wish to note that the development of a special resolution regime is a complex area where policy is still evolving internationally and it is important to ensure that any model introduced in an Irish context meets best international practice. In that regard I welcome the European Commission's recent Communication on an EU framework for crisis management and look forward to its legislative proposal in spring 2011. The discussion on this issue at EU level will of course inform our domestic consideration of this matter.

Bank Guarantee Scheme

105. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance if it is his intention to further extend the eligible liabilities guarantee scheme beyond December 2010; when will he be reviewing this guarantee to make this decision; if this consideration is being factored into the four year budgetary plan; and if he will make a statement on the matter. [41576/10]

Minister for Finance (Deputy Brian Lenihan): The Eligible Liabilities Guarantee Scheme has been an important support to the Irish banking system, facilitating its access to both short and longer term funding to help maintain the overall stability of the banking sector. It complements the broad Government Strategy to restore fully the banking system and maximise its contribution to overall economic recovery. On the advice of the Governor of the Central Bank, I am extending the issuance period beyond the current end date of 31 December 2010, and on financial stability grounds will be placing an SI before the House shortly which will enable the issuance period to run to 31 December 2011. As the Deputy may be aware, the European Commission today announced the approval of the Scheme under State aid rules.

The Deputy may also wish to note that the ECB has been notified of the intention to provide for an extension to 31 December 2011, and, in its legal opinion of 2 November 2010, has endorsed the approach on financial stability grounds.

In formulating the four year plan my Department has indeed reflected the additional fees that are expected to accrue from an extension of the guarantee scheme.

Credit Availability

106. **Deputy Arthur Morgan** asked the Minister for Finance the number of refusals of credit that have been overturned by the Credit Review Office or as part of its internal review process within the two main banks; if any of the banks declined to follow the recommendations of the Credit Review Office; if the banks have refused to follow the recommendations of the Credit Review Office; the number of times this has happened. [41571/10]

Minister for Finance (Deputy Brian Lenihan): The Credit Review Office has completed reviews of a total of seventeen cases, it upheld the banks' decisions in eleven cases, in two cases it considered that more work was required by the bank and the borrower and it disputed decisions of the banks to refuse credit in four cases. In all these cases, the banks have cooperated when the Credit Review Office has asked the banks to reconsider their lending decline decisions. John Trethowan also worked with the two banks to ensure that their internal appeals systems for borrowers were placed on a more formal footing. A total of 114 applications for internal review were received in the banks, of which 86 refusals were upheld, the initial decline decision was overturned or sanctioned with conditions in twenty cases and eight cases are in progress at the end of October.

Tax Yield

107. **Deputy Seymour Crawford** asked the Minister for Finance if an estimation has been provided for the loss of revenue to the State due to cross-Border shopping in each of the years 2009 and to date in 2010; his views that retail businesses along the border have suffered severely as a result and his further views that such businesses should be treated in a sympathetic way by Revenue and other State organisations to give them some time to recover from the loss of business; and if he will make a statement on the matter. [41570/10]

Minister for Finance (Deputy Brian Lenihan): The Central Statistics Office (CSO) published on 4 December 2009 the results of a survey of cross-border shopping as part of their Quarterly National Household Survey (QNHS) Q2 2009. The results showed that 16% of households in the Republic made a shopping trip to Northern Ireland in the twelve months to Q2 2009, with 41% in the border area and 21% in Dublin so doing. The report estimated that the total expenditure between Q2 2008 and Q2 2009 on cross-border shopping trips at €435 million. This is generally in line with the estimations published in March 2009 in the Report on the Implications of Cross Border Shopping, which was undertaken on my behalf by the Revenue Commissioners and the CSO. The QNHS also showed that the majority of trips involved purchases of groceries (80 per cent), with alcohol (44 per cent) and clothing and durables (42 per cent) being popular as well. Based on the data contained in this QNHS survey, Revenue estimated that the VAT and Excise loss in 2008 due to cross-border shopping, taking into account seasonal adjustments for the Christmas period, would be in the region of €90 million.

The March 2009 Report on the Implications of Cross Border Shopping noted that the main causes of price differentials between goods in Northern Ireland and the Republic were operating costs, profit margin (mark-up), taxes and a significant depreciation of Sterling against the Euro. While changes then made in the standard VAT rates widened some price differentials, their impact however remained small compared to the size of the change in the exchange rate.

The 2010 CSO Quarterly National Household Survey module on cross border shopping was conducted and completed in Q2. The results of this survey are expected to be published by the CSO this Friday, 12 November 2010. On receipt of the results, Revenue will estimate the tax losses for 2009 and into 2010 arising from cross-border shopping.

However, with the increase in the UK standard VAT rate from 15% to 17.5% in January 2010 and to 20% from 4 January next, there will be little difference between the standard VAT rate in Ireland and the UK. In this case the differential between the standard VAT rates in both jurisdictions will have reduced from 6.5 percentage points to 1 percentage point. This combined with the reduction by around 20% on alcohol excise duty rates since December 2009, should provide less incentive for people to shop outside the State.

On the question as to whether Revenue should treat retail businesses in the border area sympathetically, Revenue expects that businesses will organise their affairs in such a way as to ensure that they are timely compliant both as regards the filing of tax returns and the payment of tax debts as they arise. This is an essential element in ensuring a strong tax compliance culture and a level playing field between businesses. As Ireland's tax and customs authority, I believe Revenue's expectations in that regard are appropriate and correct.

However, Revenue is prepared to work with businesses that may experience short term cash flow challenges which impact on their ability to be timely compliant. A critical consideration for Revenue is the viability of the businesses concerned and their capacity to meet future tax liabilities as they arise. Revenue has strongly encouraged early engagement by businesses with payment difficulties, and I am advised by Revenue that such engagement must be time bound and cannot be seen or used as a mechanism to defer payment of future debts as they arise. Early engagement with Revenue, and the putting in place of appropriate measures with Revenue's agreement to secure timely compliance, is therefore the correct approach that businesses experiencing the type of difficulties referred to by the Deputy should take.

Tourism Industry

108. **Deputy Brian Hayes** asked the Taoiseach the number of foreign tourists that have visited Ireland each year since 2000 to date in 2010; broken down by country of origin; and if he will make a statement on the matter. [41758/10]

Minister of State at the Department of the Taoiseach (Deputy John Curran): Data on overseas travel to Ireland is published in the CSO's Overseas Travel release. This release is based on the results of the CSO's Country of Residence Survey, which is conducted at airports and seaports in the Republic of Ireland.

The most recently published figures relate to June 2010. Data in respect of July, August and September 2010 will be published on Thursday 11th November 2010.

Detailed visitor data by country of residence is only available from 2005 onwards. Therefore, to facilitate comparisons, the data is presented by broad residency group.

Number of Overseas visitors¹ to Ireland by country of residency

Year	Country of Residence			
	Great Britain	Other Europe	North America	Other Areas
2000	3,559,300	1,452,900	1,044,600	256,400
2001	3,462,300	1,356,500	911,700	259,800
2002	3,578,800	1,391,700	849,300	245,100
2003	3,718,900	1,496,800	904,000	249,300
2004	3,680,600	1,600,200	976,700	317,100
2005	3,824,700	1,912,000	950,800	290,100
2006	4,059,800	2,280,700	1,054,600	313,800
2007	4,031,900	2,590,400	1,073,100	316,800
2008	3,872,400	2,610,300	1,004,600	351,700
2009	3,257,000	2,382,300	980,400	307,900
2010 ²	1,228,500	867,100	401,400	129,500

¹ Data does not include visitors from Northern Ireland.

² Figures for the year up to June 2010 only.

109. **Deputy Brian Hayes** asked the Taoiseach the average amount spent by foreign tourists in Ireland each year since 2000 to date in 2010; and if he will make a statement on the matter. [41760/10]

Minister of State at the Department of the Taoiseach (Deputy John Curran): The information sought by the Deputy is set out in the following table in respect of the years 2000 to 2009. Data for 2010 is not yet available.

Overseas visits to Ireland and expenditure by overseas visitors to Ireland, 2000-2009

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Total overseas visits (000s)	6,310	5,990	6,065	6,369	6,574	6,977	7,709	8,012	7,839	6,927
Overseas expenditure in Ireland (€m)	2,617	2,893	3,045	3,198	3,204	3,455	3,793	3,920	3,834	3,109
<i>Average expenditure per Overseas visit (€)</i>	<i>415</i>	<i>483</i>	<i>502</i>	<i>502</i>	<i>487</i>	<i>495</i>	<i>492</i>	<i>489</i>	<i>489</i>	<i>449</i>
Total Overseas expenditure, including fare payments to Irish Carriers (€m)	3,430	3,713	3,768	3,831	3,838	4,037	4,456	4,646	4,520	3,633

State Airports

110. **Deputy Brian Hayes** asked the Taoiseach if the Central Statistics Office includes the debt of the Dublin Airport Authority in its calculations of the general Government debt that it compiles for EUROSTAT; and if he will make a statement on the matter. [41757/10]

Minister of State at the Department of the Taoiseach (Deputy John Curran): The borrowings of the Dublin Airport Authority are not included in the General Government Debt calculations. In the system of National Accounts, the General Government Sector consists only of publically owned, non-market entities. Commercial state-owned enterprises (like the Dublin Airport Authority) are not included as part of the General Government sector and therefore, their debt does not form part of the General Government Debt figure.

Departmental Staff

111. **Deputy Róisín Shortall** asked the Taoiseach the number of persons in his Department who availed of the incentivised career break arrangements and the net savings to the Exchequer of the initiative [42091/10]

The Taoiseach: Seven staff from my Department availed of the incentivised career break scheme and the total savings to the end of 2010 are estimated as €322,606.

Vocational Education Committees

112. **Deputy Paul Kehoe** asked the Tánaiste and Minister for Education and Skills the time-frame for the proposed amalgamation of vocational education committees, when and how a decision will be made regarding the location of offices and if Wexford will retain a base in this respect; if voluntary redundancy packages will be available to staff and the other options available to staff in terms of relocation; and if she will make a statement on the matter. [41753/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Implementation of the Government decision to reduce the overall number of VECs to from 33 to 16 will be carried within a timeframe of approximately 18 months.

Many of the detailed aspects of the restructuring, including the location of the headquarters of the new VECs and the number of administrative staff which each of the new VEC entities will have, will fall to be considered and worked through by my Department in conjunction with the VECs involved in any one merger before decisions are taken.

Implementation will also involve consultation with the unions representing employees in the sector and other stakeholders. The Croke Park Agreement provides the basis upon which the precise detail of staff redeployment will operate and will be worked through in consultation with the unions that are a party to that agreement.

Schools Building Projects

113. **Deputy Michael Kennedy** asked the Tánaiste and Minister for Education and Skills if she will provide a progress report on the extension of a school (details supplied); and if she will make a statement on the matter. [41796/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The school referred to by the Deputy was authorised earlier this year to tender for the appointment of a design team.

The Board of Management has finalised its assessment of the tenders received and unless unforeseen issues arise the appointment process is expected to be completed shortly. The design team, once appointed, will then commence work on stage 1 of architectural planning.

114. **Deputy Michael Kennedy** asked the Tánaiste and Minister for Education and Skills if she will provide a progress report on the new school building for an organisation (details supplied); and if she will make a statement on the matter. [41798/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The project to which the Deputy refers is at an advanced stage of the tender process.

Subject to no issues arising, it is anticipated that the project will progress to construction in the near future.

115. **Deputy Michael Kennedy** asked the Tánaiste and Minister for Education and Skills if she will provide a progress report on an extension for a school (details supplied); and if she will make a statement on the matter. [41801/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The school to which the Deputy refers has applied to my Department for large scale capital funding for a new school. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band rating of 2.1. Information in respect of the current school building programme along with all assessed applications for major capital works, including the project referred to by the Deputy, is available on the Department's website at www.education.ie. The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest.

Documents explaining the band rating system are also available on the Department's website. The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. However, in light of current

[Deputy Mary Coughlan.]

competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

116. **Deputy Michael Kennedy** asked the Tánaiste and Minister for Education and Skills if she will provide a progress report on the provision of a second level school; and if she will make a statement on the matter. [41802/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The most recent projections produced by my Department are forecasting an increase in the projected enrolments at post-primary level in the coming years. It is within this context that the Forward Planning Section of my Department is in the process of analysing all areas in the country in order to determine the level of additional provision which will be required at both primary and post primary level up to 2017. Overall post-primary requirements in the area to which the Deputy refers will be considered as part of this process and an appropriate long term accommodation solution to the needs of the area will be considered in the context of my Department's multi-annual School Building and Modernisation Programme.

117. **Deputy Michael Kennedy** asked the Tánaiste and Minister for Education and Skills if she will provide a progress report on the extension of a school (details supplied); and if she will make a statement on the matter. [41803/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I can confirm that in May 2008, my Department offered the school to which the Deputy refers, an all-in devolved grant for the provision of an 80m² mainstream classroom. I understand the project was completed in July 2009.

In June 2010, the school was approved funding to build a further 80m² mainstream classroom and three 16m² learning support rooms.

The school subsequently requested that the funding be increased to permit the construction of additional accommodation to include two mainstream classrooms, principal's office, parents' room, staffroom, toilets and cleaner's store. The school was advised in a letter in July 2010 that the Department was not in a position to grant the additional funding sought in this case. However, the school were advised to complete and submit a formal application for Grant Aid for Major Capital Works for the additional accommodation sought and to proceed with the works approved in June. To date the school has neither submitted the application nor drawn down the significant funding approved in June 2010.

Vocational Education Committees

118. **Deputy Thomas P. Broughan** asked the Tánaiste and Minister for Education and Skills the number of staff employed by the City of Dublin Vocational Education Committee and County Dublin VEC for 2007, 2008, 2009 and 2010; and if she will make a statement on the matter. [41808/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): As the Deputy is aware, Vocational Education Committees, including City of Dublin VEC and County Dublin VEC, are statutory bodies which employ and pay their own staff. Nonetheless, my Department holds information regarding staffing levels for certain categories of VEC employees.

The number of teaching posts allocated to a VEC scheme at any one time is determined in accordance with the agreed criteria relating to the application of the pupil teacher ratio. The National Council for Special Education is responsible, through its network of local Special

Educational Needs Organisers, for allocating special needs assistants (SNAs) to schools and for reviewing such allocations. The number of whole time equivalent (WTE) teacher and SNA posts allocated to City and County Dublin VECs for the years 2007, 2008, 2009 and 2010 are provided in the attached tables. My Department also monitors staff numbers for certain categories of VEC non-teaching staff for the purposes of the public sector number returns. Such categories include administrative and maintenance staff in schools, centres for education and administrative offices. The numbers of WTE posts in these categories in City and County Dublin VECs in 2009 and 2010 are also included in the attached tables. Equivalent information is not readily available for 2007 or 2008 and would involve an inordinate amount of administrative time to compile.

Schools Building Projects

119. **Deputy Michael Kennedy** asked the Tánaiste and Minister for Education and Skills if she will provide a progress report on the Educate Together proposal for a second level school at a location (details supplied); and if she will make a statement on the matter. [41834/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Forward Planning Section of my Department is in the process of analysing all areas in the country in order to determine the level of additional provision which will be required at both primary and post-primary level up to 2017. Overall post-primary requirements in the Swords area will be fully considered in this context.

In addition to this I have recently announced my intention to put in place a new framework in relation to the establishment of new second-level schools and their patronage, whereby an expert Group to be known as the Second-Level Patronage Advisory Group will be established to consider applications for new schools and advise me in relation to those applications, having undertaken survey work of parental views and using the criteria to be set down.

120. **Deputy Michael Kennedy** asked the Tánaiste and Minister for Education and Skills if she will provide a progress report on a school's (details supplied) proposal for a second level all-Irish school; and if she will make a statement on the matter. [41835/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Forward Planning Section of my Department is in the process of analysing all areas in the country in order to determine the level of additional provision which will be required at both primary and post-primary level up to 2017. Overall post-primary requirements in the area referred to by the Deputy, including the case for the provision of a new second level all Irish language school, will be fully considered in this context.

Job Losses

121. **Deputy Joe Carey** asked the Tánaiste and Minister for Education and Skills further to Parliamentary Question No. 199 of 20 October 2009, if she will confirm the efforts she has made to date in making an application for EU Globalisation Fund assistance for workers who have lost their jobs in the Shannon area and the greater mid-western region particularly in view of recent job losses; and if she will make a statement on the matter. [41836/10]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): In December 2009, the application submitted to the European Commission under the European Globalisation Adjustment Fund (EGF) in June 2009 for assistance in co-financing supports for workers made redundant at the DELL computer manufacturing plant in Raheen and ancillary enterprises in the Mid West region was approved by the EU Budgetary Authority. Some of

[Deputy Seán Haughey.]

the redundant workers included for assistance in that EGF application were from the Shannon area and are amongst the 2,600 workers who have directly benefited from supports under the Dell EGF programme. Strict eligibility criteria must be satisfied under the EU EGF Regulation in order for a Member State to make a sustainable application for EGF assistance in respect of redundancies occurring in a particular enterprise or sector. These criteria include inter alia meeting defined minimum redundancy numbers within certain reference periods.

In this context the EGF Regulation stipulates that, in eligibility terms there must have been at least 500 redundancies, over a period of four months, in respect of a single enterprise, its suppliers or downstream producers, or at least 500 redundancies, over a period of nine months, in a specific NACE 2 (economic activity) sector.

In assessing the number of total redundancies made by companies in the Mid-West region in recent months, it is the Department's view that the key criterion of 500 redundancies per enterprise has not been met and hence do not facilitate the making of a sustainable EGF application.

My Department continues to monitor redundancy figures for all enterprises and all sectors nationally with a view to ascertaining whether further sustainable EGF applications can be made, as and where appropriate.

Adult Education

122. **Deputy Olivia Mitchell** asked the Tánaiste and Minister for Education and Skills the reason persons currently on disability benefit who could benefit from further training are not eligible for the labour market activation scheme; and if she will make a statement on the matter. [41846/10]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): The Labour Market Activation Fund sought proposals from organisations for the creation of full or part-time training and education provision targeting specific priority groups among the unemployed, namely — the low skilled, and those formerly employed in declining sectors such as construction, retail and manufacturing sectors, with particular emphasis on the under 35's and the long-term unemployed (i.e. unemployed for at least one year).

For the purposes of this Fund, prospective participants on programmes eligible for Fund support must be jobseeker's who have been in receipt of an unemployment payment for a period of at least three consecutive months. Everyone who satisfies this criteria, including anyone who has a disability, is eligible to participate.

Eligibility criteria for individual social welfare payments is a matter for the Minister for Social Protection.

Special Educational Needs

123. **Deputy Seán Ó Fearghaíl** asked the Tánaiste and Minister for Education and Skills if home school tuition will be provided for a child (details supplied) in County Kildare; and if she will make a statement on the matter. [41855/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Deputy will be aware that the home tuition scheme provides funding to parents to provide education at home for children who, for a number of reasons such as chronic illness, are unable to attend school. The scheme was extended in recent years to facilitate tuition for children awaiting a suitable educational placement and also to provide early educational intervention for pre-

school children with autism. I understand from officials in my Department that the child in question is not eligible for home tuition as there is a school placement available.

Telecommunications Services

124. **Deputy Johnny Brady** asked the Tánaiste and Minister for Education and Skills in view of the significant information and other services provided to Internet sites to both the public as well as to staff, the processes, standards or recommendations in place to ensure that the design, development and maintenance of all such sites consistently complies with legislative requirements, technical standards and industry best practice in terms of data protection, security, accessibility and usability. [41993/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Web applications designed, developed and maintained by my Department are done so on the basis of requirements agreed with the user community. These requirements incorporate, where appropriate, legislative requirements, technical standards and data protection, security, accessibility and usability requirements. The web applications are subjected to extensive user acceptance testing before going live to ensure that these requirements have been met. My Department also has a contract in place with an independent security company which provides six-monthly security health checks on all the Department's web applications. In addition, this company provides my Department with advice on data protection issues in respect of these applications.

Ministerial Correspondence

125. **Deputy Joe Costello** asked the Tánaiste and Minister for Education and Skills if she will respond to correspondence (details supplied); and if she will make a statement on the matter. [42007/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): My Department replied to the correspondence to which the Deputy refers on 9 November, 2010.

Schools Building Projects

126. **Deputy Noel Ahern** asked the Tánaiste and Minister for Education and Skills the position regarding plans for a new school (details supplied); the stage the development plans are at and when contract approval can expect to be given. [42008/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I can confirm that the school to which the Deputy refers has applied to my Department for large scale capital funding for a new school building. 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. The progression of all large scale building projects, including this project, from initial design through to construction phase will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of my Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

127. **Deputy Noel Ahern** asked the Tánaiste and Minister for Education and Skills if there is a problem with approvals for building projects for a school (details supplied); her views on the assertion that no approvals have been given for over 12 months to projects in this category;

[Deputy Noel Ahern.]

if she will list approvals given in the past 12 months; and if she will make a statement on the matter. [42009/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I wish to advise the Deputy that all applications for capital funding from all categories of recognised schools are assessed in the Planning and Building Unit of my Department and assigned an appropriate band rating on the basis of need. The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and band 4 is the lowest. Documents explaining the band rating system are also available on the Department's website, www.education.ie. The assessment process determines the extent and type of accommodation needed based on population growth, demographic trends, current and projected enrolments, recent and planned housing developments and the capacity of existing schools to meet the demand for pupil places. As part of this process, a project is assigned a band rating under the prioritisation criteria. I am attaching for the Deputy's information details of projects within the school category in question that are currently under construction, at tender stage and that have recently been completed. The progression of all further large scale building projects, including projects for schools within the category in question, from initial design stage through to construction phase will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of such projects at this time. I can assure the Deputy that all school building projects, including those referred to by him, will be advanced through the system, over time in accordance with the band rating assigned to them. In the meantime, it is open to all schools to apply to my Department for capital funding to meet any urgent accommodation needs.

Teaching Qualifications

128. **Deputy Joe Behan** asked the Tánaiste and Minister for Education and Skills if she will assist a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [42013/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): As the Deputy may be aware, the recognition of teacher qualifications in this State is now a matter for the Teaching Council, the body with statutory responsibility for establishing and maintaining standards in the teaching profession. Accordingly, I am sure you will appreciate that it would not be appropriate for me to intervene in individual cases. It is my understanding that the person referred to by the Deputy is employed by a Vocational Education Committee, which is a statutory body with its own corporate status established under the Vocational Education Acts, 1930 to 2001. The conditions of employment of the person to whom this question refers are a matter for the VEC as her employer. Should clarification be required on any matter my Department will advise the VEC directly.

Departmental Expenditure

129. **Deputy Joe Carey** asked the Tánaiste and Minister for Education and Skills the expenditure by her Department on grants towards the purchase of prefabricated buildings for schools in County Clare in the years 2008, 2009 and to date in 2010; and if she will make a statement on the matter. [42014/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Expenditure on the purchase of prefabricated buildings in County Clare in respect of the years 2008, 2009 and 2010 is as follows:

2008 — €558,684;

2009 — €218,104;

2010 — No expenditure incurred to date.

Special Educational Needs

130. **Deputy Joanna Tuffy** asked the Tánaiste and Minister for Education and Skills the position regarding an appeal for home tuition grant in respect of a person (details supplied) in County Cork; if her attention has been drawn to the fact that the child in question was recently deemed unsuitable for placement in three different schools; the reason for the delay in processing this appeal; and if she will make a statement on the matter. [42015/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Deputy will be aware that the home tuition scheme provides a grant to parents to facilitate the provision of education at home for children who, for a number of reasons such as chronic illness, are unable to attend school. The appeal referred to by the Deputy is currently being considered by my Department and a decision will issue to the family shortly.

Schools Building Projects

131. **Deputy James Reilly** asked the Tánaiste and Minister for Education and Skills when the purchase of a site for a new secondary school at Lusk, County Dublin will be completed (details supplied); and if she will make a statement on the matter. [42060/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I wish to advise the Deputy that officials in my Department have been advised by Fingal County Council that terms have been agreed between the various parties concerned and the Council in relation to the acquisition of a site in the Rush/Lusk area. Fingal County Council have advised my Department that the matter is with the respective legal advisors for completion of the conveyancing stage. Until that conveyancing is completed, the Council will not be in a position to request funding from my Department.

School Placement

132. **Deputy Olivia Mitchell** asked the Tánaiste and Minister for Education and Skills the current position and her response to parents in south County Dublin for the establishment of a gaelcolaiste to meet the secondary school needs of children graduating from the many successful gaelcolieanna in the area; and if she will make a statement on the matter. [42077/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Forward Planning Section of my Department is in the process of analysing all areas in the country in order to determine the level of additional provision which will be required at both primary and post-primary level up to 2017. Overall post-primary requirements in the area in South County Dublin referred to by the Deputy, including the case for the provision of a new second level all Irish language school, will be fully considered in this context.

Departmental Staff

133. **Deputy Róisín Shortall** asked the Tánaiste and Minister for Education and Skills the number of persons in her Department who availed of the incentivised career break arrangements and the net savings to the Exchequer of the initiative. [42083/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): 21 staff from my Department availed of the Special Civil Service Incentive Career Break Scheme 2009. The net savings are expected to be approximately €1,920,000. This figure is based on salary savings plus employers PRSI saving less the incentive payments made to the relevant staff under the Scheme.

Bank Guarantee Scheme

134. **Deputy Brian Hayes** asked the Minister for Finance the amount of demand deposits, interbank lending, senior debt, subordinated debt, total wholesale funding, retail deposits, total funding, deposit protection and total liabilities covered by the bank guarantee when the guarantee was introduced and at the most recently available date; the amount of funding provided to these banks by the European Central Bank at each of these dates; and if he will make a statement on the matter. [41761/10]

Minister for Finance (Deputy Brian Lenihan): As the Deputy is aware, the Credit Institutions (Financial Support) Scheme (CIFS) expired on 29 September 2010.

Subordinated debt and secured debt are not covered under the ELG Scheme.

At the end of September 2008, a total of €375.25 billion was covered by the CIFS. The most recent figures available from the Central Bank are those for the end of September 2010, and total €146.7 billion covered by the ELG.

The breakdown of the total liabilities is commercially sensitive information and it would not be appropriate for me as Minister for Finance to provide the information in that format.

I have no function in regard to the level of ECB lending as this is a matter for the ECB and the associated national central banks. It would be inappropriate for Ministers to comment on specific institutions in that regard.

Tax Yield

135. **Deputy Brian Hayes** asked the Minister for Finance if he will list all taxes and VAT that the State imposes on air travel; the amount of revenue collected by each of these taxes in 2009 and to date in 2010; and if he will make a statement on the matter. [41764/10]

Minister for Finance (Deputy Brian Lenihan): There are no levies or charges imposed by the State on air travel apart from the air travel tax, which is the subject of the Deputy's related question to the Minister for Finance (Question No. 525)

Airport charges are set by the airport authority at each airport. In the case of Dublin Airport, these charges are regulated by the Commission for Aviation Regulation who sets the maximum level of charges that can be applied.

National Debt

136. **Deputy Brian Hayes** asked the Minister for Finance the amount of money spent servicing the national debt and the average interest rate paid each year from 2000 to 2009; the

projected cost of servicing the national debt and the projected average interest rate that will be paid each year from 2010 until 2019; and if he will make a statement on the matter. [41765/10]

Minister for Finance (Deputy Brian Lenihan): The table sets out the cost of servicing the interest on the national debt and the average interest paid on outstanding debt for the period 2000-2010 as advised by the National Treasury Management Agency (NTMA).

	Debt Servicing Interest Costs	Average Interest Rate%
	€bn	
2000	2.1	5.4
2001	1.9	5.2
2002	1.7	4.6
2003	1.8	4.8
2004	1.7	4.4
2005	1.7	4.5
2006	1.9	5.0
2007	1.6	4.4
2008	1.5	3.5
2009	2.5	4.1
2010	4.1*	4.8

*Current forecast for debt servicing interest costs in 2010.

In relation to the forecasts for debt interest costs for the period 2011-2014, the detailed macro-economic and fiscal projections for the period 2011-2014 are currently being revised by my Department in the context of the publication of the Government's Four-Year Budgetary Plan. While the up-to-date forecasts are still being finalised, the debt servicing interest costs for the period 2011-2014 as set out in Budget 2010 are informative and are detailed in the table below. For commercial reasons the NTMA does not disclose interest rate assumptions underpinning the forecasts for interest costs on national debt. Projections for debt servicing interest costs are not currently available for the years beyond 2014.

	2011	2012	2013	2014
Debt Servicing Interest Costs €bn*	5 $\frac{3}{4}$	6 $\frac{1}{2}$	7 $\frac{1}{2}$	7 $\frac{3}{4}$

*Figures in table based on forecasts contained in Budget 2010.

Tax Yield

137. **Deputy Brian Hayes** asked the Minister for Finance the amount the Exchequer has received from overseas tourism each year since 2000 and to date in 2010; and if he will make a statement on the matter. [41768/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Department of Tourism, Culture & Sport that over the eight year period from 2000 to 2007 the contribution to the exchequer was estimated at €16.2 billion. Based on Fáilte Ireland's economic model, the estimated contribution for 2008 and 2009 was €2 billion. The total identified contribution to the Exchequer over the ten year period is €18.2 billion.

The table below outlines the value of overseas tourism's contribution to the exchequer over the past ten years. It is too early at this stage to provide figures for this current year 2010.

[Deputy Brian Lenihan.]

Year	Foreign Exchange Earnings	Exchequer Savings
	€m	€m
2000	3,637	1,700
2001	3,935	1,900
2002	3,989	1,900
2003	4,057	2,000
2004	4,065	2,000
2005	4,272	2,100
2006	4,692	2,270
2007	4,902	2,370
2008	4,781	1,100
2009	3,879	600

Source: Central Statistics Office/Fáilte Ireland.

Note: A new model for measuring the economic contribution of tourism was developed in 2008 and as such the results shown above for 2008 and 2009 are NOT comparable to the earlier results for the period 2000-2007, inclusive. The earlier estimates were based on a static model that was updated in 2002. The new model is designed to provide updated data on an annual basis reflecting the current taxation environment and in line with today's best practice, no longer includes a government interacting component. It is not possible to apply the new model to the earlier years data retrospectively.

Total Exchequer Earnings

	Year	€m
	2000-2007	16,240
	2008-2009	2,000
Total:	2000-2009	18,240

138. **Deputy Brian Hayes** asked the Minister for Finance the yield from the 13.5% VAT rate to date in 2010; the yield from the 21% VAT rate to date in 2010; the equivalent figures for the same period in 2009; the figures for each of these yields for the full year in 2009; and if he will make a statement on the matter. [41769/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that the estimated breakdown of the net yield of VAT at the reduced and standard rate to date in 2010, for the same period in 2009 and for the full year in 2009 is set out in the following table.

	Reduced Rate	Standard Rate	Total
	€m	€m	€m
2010 To end October	2,953	5,483	8,436
2009 To end October	3,124	5,801	8,925
2009 Full Year	3,690	6,948	10,638

Precise figures of the breakdown of VAT receipts by tax rate are not available and consequently the figures provided are tentative estimates.

Tax Code

139. **Deputy Finian McGrath** asked the Minister for Finance his views on a proposal (details supplied) as part of dealing with the current economic situation. [41782/10]

Minister for Finance (Deputy Brian Lenihan): As the Deputy is aware, a windfall tax rate of 80% was introduced under the National Asset Management Agency Act and applies to the portion of any profit or gain made on the disposal of land which is attributable to a rezoning, where both the rezoning and the disposal of land giving rise to the windfall occur after 30 October 2009. Finance Act 2010 extended this tax to portion of any profit or gain made on the disposal of land which is attributable to a “material contravention” decision by a local authority, where both the material contravention decision and the disposal occur after 4 February 2010.

A disposal giving rise to a capital gain is subject to the Capital Gains Tax rate in force at the time of the disposal. It is not feasible to seek further tax from a disposal where all tax liabilities were satisfied.

Senior Debt Obligations

140. **Deputy Thomas P. Broughan** asked the Minister for Finance if he will specify where under Irish law it is mandated that senior bondholders have the same status as depositors or holders of Irish sovereign debt; and if he will make a statement on the matter. [41811/10]

Minister for Finance (Deputy Brian Lenihan): As the Deputy is aware I set out in my statement of 30th September 2010 that the position is that senior debt obligations of financial institutions rank equally with deposits and other creditors under Irish law. I indicated that I have no plans to change this position. This position was confirmed by the NTMA in a statement on 7th October 2010 a week later. The legal position is that in the absence of a subordination agreement, where a financial institution is being wound up the principle that applies is *pari passu*, meaning all unsecured creditors have equal ranking to be repaid by the financial institution. So, where there is a shortfall in assets all unsecured creditors are entitled to an equal dividend. The principle of creditor equality is also enshrined in the Credit Institutions Winding Up Directive 2001/17/EC.

In the context of a company that is continuing in business as a going concern the principle of *pari passu* does not apply although the effect is similar. Where a company has debts, they are liable to pay those debts and each debtor has an equal right to be repaid whether that person’s debt arises on foot of a bond or a deposit. In either case the terms of the repayment will obviously be determined by the instrument creating or evidencing the debt — repayable on demand or at a certain future time. I would add that the principle of equal entitlement to be repaid their debts as amongst unsecured creditors is subject to the absence of one of them being obliged by contract to be postponed in favour of another.

It must also be remembered that depositors who suffer a loss in the event of a financial institution being wound up insolvent are entitled to compensation up to a certain amount under the Deposit Guarantee Scheme and/or the Eligible Liabilities Guarantee Scheme.

Pension Provisions

141. **Deputy Richard Bruton** asked the Minister for Finance the arrangements in place to allow certain persons within the public service to obtain additional years towards their pension rights; if these arrangements are available equally to all public servants or if there are individual schemes in different workplaces; the way he can ensure that opportunities are made available fairly on an adequate basis; and if he will make a statement on the matter. [41821/10]

Minister for Finance (Deputy Brian Lenihan): There are various arrangements in operation throughout the Civil and Public Services which can provide added years for superannuation purposes.

- Professional Added Years Schemes — these schemes apply to certain professional, technical and specialist posts in both the Civil and Public Service. They provide for the granting of added years in certain cases where the minimum essential requirements of a competition are such that they would prohibit a candidate from entering in sufficient time to acquire maximum service for maximum superannuation benefits. In addition, there is a specific provision within the Local Government superannuation arrangements to award professional added years to officers employed in certain specified professional grades.
- Added years may be granted to employees in the Civil and Public Service who retire on the grounds of ill health.
- Section 6 of the Superannuation Act 1909 and Sections 6 and 7 of the Superannuation and Pensions Act 1963 set out rules governing the early retirement of Civil Servants as a result of abolition of office or for the purpose of facilitating improvements in order to effect greater efficiency and economy in the organisation of a Department. Section 6 of the 1963 Act provides for the granting of added years. (These provisions may apply to Secretaries General at the end of their contracts; similar provisions apply to County Managers under the Local Government Superannuation Scheme). In the wider Public Service these provisions serve as guidelines in dealing with similar cases.
- Chief Executive Officers of Non-Commercial State Sponsored Bodies may be granted added years at the end of their contract, subject to certain conditions.
- Purchase of Notional Service Scheme — this scheme permits an individual who will not have sufficient service for maximum superannuation benefits at normal preserved pension age to purchase additional years of service at full actuarial cost to the individual and is available in both the Civil and Public Service.

Budget Submissions

142. **Deputy Fergus O'Dowd** asked the Minister for Finance if he has received a pre-budget submission from the Irish Senior Citizens Parliament; and if he will make a statement on the matter. [41840/10]

Minister for Finance (Deputy Brian Lenihan): I have not received a pre-Budget submission from the Irish Senior Citizens Parliament. However, I did meet with their representative last week at a Pre-Budget meeting with the Community and Voluntary Pillar.

Flood Relief

143. **Deputy Joe Carey** asked the Minister for Finance further to Parliamentary Question No. 511 of the 29 September 2010 the position regarding a project (details supplied); and if he will make a statement on the matter. [41854/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): In relation to the Ballybeg area, the OPW has agreed in principle to provide funding to Clare County Council for works pertaining to this location, the amount of which remains confidential, as a tender process is currently under way. These works will involve placement of a culvert northwards across the Limerick road to convey flood waters to the Clareabbey backdrain lands. Clare

County Council hope to commence this work in April 2011, with a projected completion date of October 2011.

144. **Deputy Joe Carey** asked the Minister for Finance the position regarding a project (details supplied); and if he will make a statement on the matter. [41986/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Iarnród Éireann, as the body responsible for the maintenance and safety of the railway line network, have appointed consultants to carry out a study of the flooding problem and recommend possible solutions. Any works relating to the permanent way that may be recommended by the consultants in their study would be a matter for Iarnród Éireann to implement.

Tax Collection

145. **Deputy Jack Wall** asked the Minister for Finance his views in relation to a matter (details supplied); if the matter can be dealt with given the concerns expressed by the person as stated; and if he will make a statement on the matter. [41999/10]

Minister for Finance (Deputy Brian Lenihan): This is a matter for the Revenue Commissioners. I am advised by Revenue that a significant tax debt was paid over six months late in this instance and Revenue sought to collect an interest debt arising from this late payment. This matter was the subject of an appeal to Revenue and also the subject of a joint review by Revenue and an external reviewer at the request of the business concerned. The finding of the review was that the interest charge was properly due and payable.

Interest on late payment of tax underpins the self-assessment system by encouraging timely compliance. It also ensures that those who meet their tax obligations on time are not disadvantaged vis-à-vis those who pay late.

I am advised by Revenue that as the interest is properly due, arrangements should now be put in place for early payment.

Tax Yield

146. **Deputy Róisín Shortall** asked the Minister for Finance the saving and yield for the Exchequer if an annual absolute cap of tax relievable pension contributions were introduced using the following caps: €10,000, €20,000, €30,000, €40,000, €50,000, €60,000 and using the following assumptions (details supplied) [42003/10]

Minister for Finance (Deputy Brian Lenihan): As explained in my responses to previous questions in this area, the Revenue Commissioners inform me that breakdowns of the individual contributions to pension savings on which tax relief are sought are only available on an historical basis in respect of Retirement Annuity Contracts (RACs) and Personal Retirement Savings Accounts (PRSAs) and to the extent that these figures are included in tax returns to Revenue. The latest year for which the fullest data in this area are available is 2007. Contributions by employees to Defined Benefit and Defined Contribution occupational pension schemes are returned by their employers in aggregate form each year and are not available on an individual taxpayer basis. In order to arrive at some estimate of the costs or savings from suggested changes to the existing tax relief arrangements, the Revenue Commissioners must make assumptions about the breakdown of these aggregate employee contributions to occupational pension schemes using the historical breakdown of actual contributions to PRSAs and RACs as a guideline. Such breakdowns and the costings derived from them must, however, be regarded as tentative estimates.

[Deputy Brian Lenihan.]

Employer contributions to occupational pension schemes are likewise returned to Revenue on an aggregate basis each year. However, there is no acceptable basis on which to disaggregate these contributions across the population of individual contributors to pension schemes in the manner outlined in the question. The estimated figures provided below do not, therefore, take account of employer contributions. Finally, details of the liabilities of Defined Benefit schemes to their members are not required to be returned to the Revenue Commissioners.

Having regard to the foregoing, the estimates of the full year effects to the Exchequer from the application of the caps outlined in the question, in substitution for the replacement of the current annual earnings cap of €150,000 and associated age-related percentage limits, are tentative and are set out in the table:

Proposed Contribution Cap	Estimated Exchequer Yield/Cost
	€m
10,000	151 (yield)
20,000	80 (yield)
30,000	38 (yield)
40,000	10 (yield)
50,000	12 (cost)
60,000	27 (cost)

It should be noted that the higher contribution caps proposed in the question would give rise to a net cost to the Exchequer as indicated in the table. This arises because claims that currently do not qualify for tax relief due to the impact of the earnings cap of €150,000 and associated age-related percentage limits would qualify for relief in the event of the removal of those limits.

I should also point out that in costing the details of this question as set out above, the response to a previous question (38429/10 of 21 October 2010, Order No 89) was re-examined. The response to that question had indicated that the figures provided at that time had been calculated on the basis of excluding the impact of the existing annual earnings cap and age-related limits. The costings given in that response had, in fact, taken account of those limits. For the sake of clarity and consistency, I am re-stating hereunder the table of figures provided in the response to question 38429/10 but excluding, on this occasion, the impacts of the earnings and age-related limits on the same basis as in the table above.

Proposed Contribution Cap	Estimated Exchequer Yield/Cost
€	€m
5,000	215 (yield)
10,000	151 (yield)
15,000	110 (yield)
20,000	80 (yield)
25,000	57 (yield)
30,000	38 (yield)
35,000	23 (yield)
40,000	10 (yield)
45,000	2 (cost)
50,000	12 (cost)

147. **Deputy Róisín Shortall** asked the Minister for Finance the estimated yield for the Exchequer if the minimum effective tax rate for higher earners factored in tax relief on all pension related tax reliefs. [42004/10]

Minister for Finance (Deputy Brian Lenihan): The existing restriction of reliefs or horizontal measure is activated where individuals have an adjusted income of €125,000 and claim specified reliefs of €80,000 or more. Those subject to the full restriction, at adjusted incomes of €400,000 or greater will pay an effective income tax rate of 30% in addition to PRSI and levies. Broadly, the reliefs restricted are the various property based tax incentives and certain other reliefs such as the Business Expansion Scheme, film relief and donations relief. Also restricted are certain tax exemptions including artistic income and patent royalties. The normal deductible items available to the broad range of taxpayers such as medical expenses, trade union subscriptions, the personal tax credits and exemptions such as that for child benefit are not restricted. Similarly, normal business expenses and deductions for capital allowances on plant and machinery, as well as genuine business related trading losses are not restricted.

A reliable estimate of the yield to the Exchequer if tax relief on pension contributions was brought within the ambit of the restriction could only be provided by a significant development of the costing model, which would be prohibitive in terms of the resources required. An indicative and very tentative estimate of the full year yield that might arise if contributions to Retirement Annuity Contracts (RACs) and Personal Retirement Savings Accounts (PRSAs) were subjected to the restriction could be of the order of €30 million to €40 million.

With regard to occupational pensions (schemes set up by employers), the figures in respect of employee contributions are available only in aggregate form and do not provide a basis for compiling a corresponding estimate.

Pension Provisions

148. **Deputy Róisín Shortall** asked the Minister for Finance the estimated saving for the Exchequer in each of the scenarios where public service pensions were capped at €100,000 and at values higher than this at intervals of €10,000 [42005/10]

Minister for Finance (Deputy Brian Lenihan): It is estimated that the imposition of caps on pensions in the civil service would give rise to the following savings:

A cap of €100,000 would yield a saving of €1.34 million.

A cap of €110,000 would yield a saving of €0.59 million.

A cap of €120,000 would yield a saving of €0.25 million.

A cap of €130,000 would yield a saving of €0.05 million.

A cap of €140,000 would yield a saving of €0.01 million.

Comparable data are not available for the public service as a whole.

149. **Deputy Róisín Shortall** asked the Minister for Finance if, in respect of Appendix D of the Green Paper on Pensions, he will provide the same information in respect of PRSAs and RACs for the past year for which figures are available. [42006/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners that the latest relevant information available is in respect of income tax relief allowed for contributions to Retirement Annuity Contracts (RACs) and Personal Retirement Savings

[Deputy Brian Lenihan.]

Accounts (PRSAs) for the income tax year 2007. RACs and PRSAs are available to the self-employed and to employees not in occupational pension schemes. The information is set out in the tables, which provide the number of cases, amount of deduction and reduction in tax for tax relief for RACs and PRSAs for the various contribution ranges.

The information is based on income returns contained in Revenue records at the time the data were compiled for analytical purposes, representing in the region of 90% of all returns expected.

A married couple who has elected or has deemed to have elected for joint assessment is counted as one tax unit.

INCOME TAX 2007

Retirement Annuity — by range of Gross Income.

Range of gross income		Totals					
From	To	Number of cases	Amount of deduction	Reduction in tax	Tax due for payment	Gross Tax*	Reduction in tax as % of Gross Tax
€	€		€	€	€	€	%
—	9,000	677	890,433	7,322	1,028	8,350	87.7
9,000	10,000	139	200,186	8,111	245	8,356	97.1
10,000	12,000	453	694,759	69,726	12,328	82,054	85.0
12,000	15,000	1,009	1,801,088	232,930	143,996	376,926	61.8
15,000	17,000	875	1,701,377	239,534	258,588	498,122	48.1
17,000	20,000	1,686	3,413,306	513,950	710,227	1,224,177	42.0
20,000	25,000	4,069	8,560,225	1,520,778	2,944,869	4,465,647	34.1
25,000	27,000	1,886	3,980,967	751,331	1,966,501	2,717,832	27.6
27,000	30,000	3,166	7,099,120	1,367,261	4,074,590	5,441,851	25.1
30,000	35,000	5,987	14,686,475	2,894,682	10,500,637	13,395,319	21.6
35,000	40,000	6,308	16,608,553	4,109,613	15,247,551	19,357,164	21.2
40,000	50,000	12,354	39,221,676	11,425,057	44,823,408	56,248,465	20.3
50,000	60,000	10,986	42,422,932	13,034,048	58,431,806	71,465,854	18.2
60,000	75,000	13,785	64,466,498	19,413,380	106,238,008	125,651,388	15.5
75,000	100,000	14,930	100,895,133	31,864,021	181,868,259	213,732,280	14.9
100,000	150,000	11,566	136,437,525	48,461,182	245,861,115	294,322,297	16.5
150,000	200,000	4,236	87,373,102	33,266,582	152,726,123	185,992,705	17.9
200,000	250,000	2,422	73,319,526	28,675,649	124,352,651	153,028,300	18.7
Over	250,000	6,362	332,889,619	133,131,735	839,253,729	972,385,464	13.7
Totals		102,896	936,662,500	330,986,892	1,789,415,659	2,120,402,551	15.6

*“Gross tax” means the tax that would be due before relief is allowed for retirement annuity deductions.

The figures do not include contributions made by employees through employers’ payroll systems and in respect of which tax relief is provided on the net pay basis. Information on such contributions is not captured in such a way as to make it possible to provide disaggregated figures.

INCOME TAX 2007

Personal Retirement Savings Accounts — by range of Gross Income.

Range of gross income		Totals					Reduction in tax as % of Gross Tax
From	To	Number of cases	Amount of deduction	Reduction in tax	Tax due for payment	Gross Tax *	
€	€		€	€	€	€	%
—	9,000	126	186,165	256	110	366	69.9
9,000	10,000	24	44,683	1,561	55	1,616	96.6
10,000	12,000	80	132,136	12,046	2,847	14,893	80.9
12,000	15,000	171	298,142	42,275	21,793	64,068	66.0
15,000	17,000	142	324,809	40,178	34,243	74,421	54.0
17,000	20,000	397	764,059	130,187	93,733	223,920	58.1
20,000	25,000	986	1,937,405	362,642	589,240	951,882	38.1
25,000	27,000	469	968,064	185,605	494,976	680,581	27.3
27,000	30,000	785	1,709,741	331,555	1,086,812	1,418,367	23.4
30,000	35,000	1,330	3,103,220	625,828	2,582,594	3,208,422	19.5
35,000	40,000	1,328	3,674,148	1,030,084	3,560,495	4,590,579	22.4
40,000	50,000	2,193	7,066,857	2,258,955	9,097,529	11,356,484	19.9
50,000	60,000	1,798	6,614,692	2,198,980	10,841,069	13,040,049	16.9
60,000	75,000	2,124	9,913,302	3,189,679	17,458,735	20,648,414	15.4
75,000	100,000	2,076	13,417,874	5,234,366	27,371,125	32,605,491	16.1
100,000	150,000	1,471	14,676,955	5,972,349	34,485,746	40,458,095	14.8
150,000	200,000	488	7,462,722	3,057,334	19,228,877	22,286,211	13.7
200,000	250,000	219	4,523,914	1,846,039	11,838,134	13,684,173	13.5
Over	250,000	443	15,718,308	6,424,298	55,835,688	62,259,986	10.3
Totals		16,650	92,537,196	32,944,217	194,623,801	227,568,018	14.5

*“Gross tax” means the tax that would be due before relief is allowed for PRSA deductions.

The figures do not include contributions made by employees through employers’ payroll systems and in respect of which tax relief is provided on the net pay basis. Information on such contributions is not captured in such a way as to make it possible to provide disaggregated figures.

Garda Stations

150. **Deputy Noel Ahern** asked the Minister for Finance the position regarding plans for the now vacant Garda station (details supplied); if still allocated to the gardaí, their future plans for same and if the Office of Public Works have considered other uses for this building if not required by gardaí or the Department of Justice and Law Reform; and if he will make a statement on the matter. [42011/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The building in question has been vacated by the Gardaí and is not required for public use. The Commissioners of Public Works are arranging to dispose of the property on the open market.

Fiscal Policy

151. **Deputy Joe Costello** asked the Minister for Finance the reason the National Assets Management Agency has been lending money to developers whose assets were non-performing (details supplied); and if he will make a statement on the matter. [42023/10]

Minister for Finance (Deputy Brian Lenihan): I do not propose to comment on the circumstances of individual debtors. NAMA is currently engaging with the largest debtors whose loans have been acquired from the participating institutions. The draft business plans of these debtors are being subjected to rigorous review and only where a debtor can demonstrate viability will that engagement continue. In a number of cases, NAMA informs me that it will advance funds to enable projects to be brought to completion but this will only be done where it makes commercial sense to do so.

Art Collection

152. **Deputy Mary Upton** asked the Minister for Finance if he will give an assurance that the art collection located in Allied Irish Banks will not be sold; his views that since the State is a major shareholder in Allied Irish Banks, it is only appropriate that this shareholder should be consulted on the future of the art collection; if he considers it appropriate that since this collection is effectively owned by the State it should be available for viewing by the general public; the action he plans to take to ensure that the collection is made available for public viewing [42026/10]

Minister for Finance (Deputy Brian Lenihan): I understand that the Deputy also put down a similar question to my colleague, the Minister for Tourism, Sport and Culture who will respond regarding matters relevant to her functional area. The State, at present, holds, through the National Pensions Reserve Fund, some 18% of the ordinary equity in the bank. Notwithstanding this and the expectation that this stake will increase substantially, the day to day management of the bank will remain on a normal commercial basis and the management of assets by Allied Irish Banks (AIB), including the holding or displaying of artworks will remain a matter for the board of the bank.

I understand from enquiries made that no discussions have taken place in relation to the sale or future plans for the AIB Art collection. This collection is described as a ‘working’ collection and pieces are located at offices and branches across Ireland and in AIB international offices.

AIB operates an active policy of lending pieces, on request, to galleries across Ireland for exhibitions. In the last two years, it has stepped up this lending programme, which it intends to continue, with the objective of bringing the collection to a wider audience and supporting the arts in the communities.

Banking Sector

153. **Deputy Bernard J. Durkan** asked the Minister for Finance if he is satisfied that he has been given all the information regarding the full extent of indebtedness in the banking sector; and if he will make a statement on the matter. [42034/10]

154. **Deputy Bernard J. Durkan** asked the Minister for Finance the reason the full extent of indebtedness in the banking system was not made known to him or his Department in 2009; and if he will make a statement on the matter. [42035/10]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 153 and Question 154 together.

Information on the banking system is collected by the Central Bank and aggregate figures are routinely published. Since the introduction of the Guarantee, more detailed figures on the covered institutions have been supplied to my Department on a regular basis.

The annual reports of individual banks with audited figures are published regularly.

In addition, the Central Bank carried out an exercise to determine the forward-looking prudential capital requirements (PCAR) of financial institutions covered by the Guarantee. The PCAR assessed the capital requirements arising for expected base and potential stressed loan losses over a 3 year period and was undertaken to determine the recapitalisation requirements of the credit institutions.

The Deputy will be aware of the recapitalisation requirements of the banks which I spoke about in my Statement on Banking on 30 September 2010.

I am satisfied that the Central Bank monitors bank indebtedness and has kept me informed on his results.

Question No. 155 answered with Question No. 79.

Question No. 156 answered with Question No. 55.

Banking Sector Regulation

157. **Deputy Bernard J. Durkan** asked the Minister for Finance if he is satisfied that all the undesirable banking practices that lead to the economic downturn have been corrected and provision made to ensure no recurrence; and if he will make a statement on the matter.
[42038/10]

Minister for Finance (Deputy Brian Lenihan): The Deputy will appreciate that the primary responsibility for managing a bank and for preventing undesirable practices in that bank lies with the board of directors and management of each institution. Boards of directors have a key role as the principal decision-making body in an institution and are responsible for exercising effective control over senior management. In this regard appropriate corporate governance arrangements and internal controls are essential prerequisites for effective and prudently managed organisations.

The Deputy will also be aware of the conclusions of the two recent reports into the banking crisis by Messrs Regling and Watson and by the Governor of the Central Bank. Messrs. Regling and Watson concluded, inter alia, that it was clear that there were especially egregious failures in corporate governance and risk management at Anglo Irish Bank and Irish Nationwide Building Society. Following the publication of these reports, the Oireachtas approved the establishment of a statutory Commission of Investigation into the banking sector in Ireland. The Commission commenced its work on 21 September 2010 and is investigating, inter alia, the main causes of the serious failure within each of the covered institutions to implement and adhere to appropriate standards and controls in the context of corporate governance and prudent risk management policy and procedures. The Commission is expected to complete its report within six months.

It is also fair to say undesirable banking practices have not been exclusive to Ireland and the European Commission has prioritised the reform of corporate governance for financial insti-

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tutions in light of the conclusions of the de Larosière report on the causes of the financial crisis. The Commission's Green Paper on Corporate Governance in the financial sector and remuneration policies, published in June 2010, highlights how the financial crisis clearly shows that financial institutions' boards of directors did not fulfil their key role as a principal decision-making body and consequently, boards of directors were unable to exercise effective control over senior management and to challenge the measures and strategic guidelines that were submitted to them for approval. The Commission also concludes that members of boards of directors, in particular non-executive directors, devoted neither sufficient resources nor time to the fulfilment of their duties. The Green Paper outlines a number of options to supplement existing legal provisions and those implemented or planned for the purpose of strengthening the financial system.

In recognition of the role of corporate governance, on 8 November the Central Bank of Ireland issued its Corporate Governance Code for credit institutions and insurance firms in Ireland which sets out new statutory rules to ensure that robust governance arrangements are in place so that appropriate oversight exists to avoid or minimise the risk of a future crisis. The Code sets out provisions on the membership of the Board of Directors, the role and responsibilities of the Chairman and other directors and the operation of various board committees. Where institutions fail to adhere to the Code's requirements, the Central Bank has the power to take sanctions against an institution, including the removal of directors.

Finally, the Government has also taken significant steps to reform the domestic regulatory system. The Central Bank Reform Act 2010, which commenced on 1 October 2010, is the first step in a substantial legislative reform programme and establishes a new fully-integrated structure for financial regulation and enhances the powers and functions of the Central Bank.

The Government is currently preparing a second Bill to provide for further enhancements to the regulatory powers and functions of the restructured Bank. Subsequent legislation will consolidate all legislation relating to the Central Bank and its supervision of the financial services sector. I am satisfied that these measures will ensure that there will be no repetition of the banking practices which have given rise to very substantial costs for the State and have contributed significantly to the deterioration of economic conditions in Ireland.

158. **Deputy Bernard J. Durkan** asked the Minister for Finance the action he has taken to ensure that banks lend to productive sectors in an effort to assist the economy; and if he will make a statement on the matter. [42039/10]

Minister for Finance (Deputy Brian Lenihan): In the subscription agreement, AIB and Bank of Ireland were tasked with making available 10% additional capacity for SME lending in 2009. The recapitalised banks stated that there were no constraints on lending to viable businesses. However, the 10% target did not result in the expected level of additional lending. Thus, in the context of NAMA at the end of March, both AIB and Bank of Ireland were required to produce credible lending plans for how they will lend €3bn per annum (covering the period April to April) to SMEs.

The Deputy will be aware that my Department and Mr. Trethowan of the Credit Review Office receive monthly progress reports from the two banks which allow us to monitor their lending to viable businesses in all sectors of the economy and in every area of the country. I also established the Credit Review Office to ensure that AIB and Bank of Ireland would lend to viable businesses. Mr. Trethowan has recently reported to the Department that both AIB

and Bank of Ireland remain open for business and I would strongly encourage borrowers to use the Credit Review Office if they find this is not so.

159. **Deputy Bernard J. Durkan** asked the Minister for Finance when he expects the banking sector to return to traditional banking and lending practices; and if he will make a statement on the matter. [42040/10]

Minister for Finance (Deputy Brian Lenihan): In many ways, the banking sector has returned to traditional banking practices with credit only being advanced when the bank is satisfied that the customer has the capacity to repay the loan and the interest as it becomes due. Mr Trethowan of the Credit Review Office considers that the two banks covered by that Office have returned to being prudent cash flow lenders to SMEs. His Office is available to undertake reviews of decisions to refuse or withdraw credit if necessary but the number of requests for review does not reflect the number of complaints being made about lack of credit.

In relation to mortgages, lending standards have placed renewed emphasis on prudence for example maximum loan to value ratios etc. A low level of demand seems to be the main reason for low levels of new lending and supply side issues do not appear significant.

Flood Relief

160. **Deputy Bernard J. Durkan** asked the Minister for Finance the total cost of flood prevention and flood alleviation in each of the past two years; the extent to which such sums have been included in application through the EU for flood relief moneys; and if he will make a statement on the matter. [42041/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The Office of Public Works (OPW) has invested approximately €61.5 million on Capital Flood Relief Activities in 2008/09, with €24.9 million spent in 2008, and €36.5 million spent in 2009. In the same period, OPW spent €40.3 million under the Drainage Maintenance and Hydrometric Programmes.

Overall, this shows expenditure for flood-related activities in these two years being over €100 million, which is a considerable investment, and is an increase of 33% over the previous two years. The Department of Finance was also successful in obtaining €13 million from the EU Solidarity Fund in respect of last November's serious flooding, which affected various parts of the country. However, the Solidarity Fund does not provide funding for flood relief works, but instead provides for emergency operations to allow a rapid return to normal living conditions. The funding involved would have related to damage to roads, the provision of emergency accommodation, and costs incurred by the rescue services. The allocation of the monies is a matter for the Department of Finance, rather than the Office of Public Works.

Tax Yield

161. **Deputy Bernard J. Durkan** asked the Minister for Finance the total revenue accruing to the Exchequer through the various forms of motor vehicle registration, taxation, excise on an annual basis; and if he will make a statement on the matter. [42042/10]

Minister for Finance (Deputy Brian Lenihan): I am informed by the Revenue Commissioners the revenue accruing to the Exchequer through various motor taxes i.e. excise and carbon tax on petrol and auto-diesel, vehicle registration tax and VAT, from 2005 to date, is shown in the following table. As VAT receipts are not disaggregated by sector, the figures shown for VAT

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are estimated. The figures provided do not include Motor Tax, which is a matter for the Department of the Environment, Heritage and Local Government.

	2005	2006	2007	2008	2009 Prov	2010 (Jan to Oct) Prov
Mineral Oil Tax	€m	€m	€m	€m	€m	€m
Petrol	1,001.9	1,026.4	1,051.3	1,046.8	1,075.1	868.1
Auto Diesel	920.5	1,016.7	1,076.3	1,051.9	1,060.6	911.0
Total	1,922.4	2,043.1	2,127.6	2,098.7	2,135.6	1,779.1
VRT	1,148.8	1,287.4	1,406.1	1,120.8	375.3	361.7
VAT (estimate)	1,038	1,162	1,272	1,185	803	not available
Carbon Tax on petrol and auto-diesel						153m

Financial Services Sector

162. **Deputy Bernard J. Durkan** asked the Minister for Finance if Irish investors are investing offshore to any greater extent than normal; and if he will make a statement on the matter. [42043/10]

Minister for Finance (Deputy Brian Lenihan): As the Deputy will be aware, Ireland is a very open economy and as such there are no major impediments to Irish corporates or individuals investing across the European Union or to other jurisdictions subject to anti-money laundering regulations. With regard to the Deputy's specific question, it is my understanding that my Department have sought clarification on the question and are awaiting a reply. When the issue has been clarified my Department will answer the question as promptly and as accurately as possible.

National Assets Management Agency

163. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which his original projections in respect of the value and liability of assets taken by the National Assets Management Agency; the implications for the Exchequer of any changes with particular reference to property value; and if he will make a statement on the matter. [42044/10]

164. **Deputy Bernard J. Durkan** asked the Minister for Finance if the eventual value of the National Assets Management Agency properties is likely to be better or worse than originally estimated; and if he will make a statement on the matter. [42045/10]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 163 and 164 together.

It was originally envisaged that NAMA would transfer loans with a nominal value of almost €81 billion from the five participating credit institutions. This was subsequently reduced by the introduction of a threshold excluding loans below €20 million at AIB and Bank of Ireland. As a consequence, and in conjunction with a number of other adjustments, some €73 billion in loan assets will now transfer to the agency and this is to happen by the end of the year. NAMA

estimates that it will pay consideration of about €31 billion for these loans; the final figure will be determined after completion of full due diligence on the loans.

It is important to realise that the assets transferred to NAMA are the actual loans. The underlying property serves as security for the loan but it is not the property which initially transfers to NAMA. A debtor whose loans are transferred to NAMA continues to be liable for the full loan balance. I am informed by NAMA that it expects that the property underlying the loans it acquires will be worth about half of the amount advanced by banks. That is the most that NAMA could notionally recover today if it foreclosed on all debtors.

As stated in the business plan which it produced on 30 June 2010, the transfer price which NAMA pays for assets will be no greater than the long-term economic value of the bank asset and the underlying property and other collateral is valued by professional valuers. NAMA projected in that plan a net present value gain of €1 billion over its expected lifespan with two variations to this central case: one in which it recovers the long-term economic value plus 10% leading to a net present value gain of €3.9 billion and one in which it recovers the long-term economic value minus 10% resulting in a net present value loss of €0.8 billion.

Flood Relief

165. **Deputy Joe Carey** asked the Minister for Finance the position regarding a project (details supplied); and if he will make a statement on the matter. [42051/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Tenders have been sought for Phase Two works of the Ennis Flood Relief Scheme, and should be returned to the Office of Public Works by late November. Following tender assessment, it is expected to have the contractor on-site early in 2011.

166. **Deputy Joe Carey** asked the Minister for Finance the funding allocated by the Office of Public Works for flood prevention projects in County Clare in the past three years; the schemes and locations covered by the funding; the present position of each project; and if he will make a statement on the matter. [42052/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Under the Minor Flood Works scheme that was introduced by the Office of Public Works last year, a total of €643,800 has been allocated to date to Clare County Council in 2010 for works at Ennis (Gort Road and Elm Park/Watery Road), Ballycorick embankment, Rathangan, Ruan and Cloonbony. Funding was allocated on the basis of an assessment of the applications submitted by the Council in respect of the eligibility criteria of the scheme. The commencement and progression of the works in each case is a matter for the Council.

Funding was also made available for a major Flood Protection Scheme in Ennis, Co Clare, Phase One of which is now complete at a construction cost of €5,681,807 ex VAT. Phase Two is currently out to tender, with submissions expected at the end of November, 2011. OPW have also agreed in principle to provide funding to Clare County Council, so that they may carry out mitigation works for the areas of Ballybeg and St. Flannan's, in addition to maintenance works to Embankments.

167. **Deputy Denis Naughten** asked the Minister for Finance the progress to date on flood mitigation works (details supplied); and if he will make a statement on the matter. [42074/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Funding of €220,860 was allocated to Leitrim County Council in August 2010, under the Minor Flood Mitigation Works Scheme to undertake works at Leitrim Road and Park Lane in Carrick-on-

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Shannon. The planned works involve the upgrading, cleaning and deepening of culverts & drains at Leitrim Road and Park Lane, as well as the provision of a deepened culvert west of Park Lane. The commencement and progression of the works is a matter for the Council.

Departmental Staff

168. **Deputy Róisín Shortall** asked the Minister for Finance the number of persons in his Department who availed of the incentivised career break arrangements and the net savings to the Exchequer of the initiative [42086/10]

Minister for Finance (Deputy Brian Lenihan): The following table sets out the number of persons (six) in my Department who have availed of the incentivised career break arrangements and the net savings to the Exchequer.

Grades	Pay Savings 2010	Pay Savings 2011	Pay Savings 2012
	€	€	€
HEO	37,995	37,995	20,840
CO	21,685	21,685	13,880
CO	21,577	21,577	7,006
CO	16,655	16,655	16,655
AO	32,328	32,328	32,328
AP	71,260	71,260	68,050

Social Welfare Appeals

169. **Deputy Jack Wall** asked the Minister for Health and Children further to Parliamentary Question No. 433 of 27 October 2010, an appeal was submitted in respect of the person concerned and to date no reply has been received; and if she will make a statement on the matter. [42049/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Health Services

170. **Deputy Seán Sherlock** asked the Minister for Health and Children when a report (details supplied) will be made available; and if she will make a statement on the matter. [41756/10]

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.

Tobacco Products

171. **Deputy Charlie O'Connor** asked the Minister for Health and Children her plans to introduce a consumer awareness campaign to inform the public of the consequences of buying illicit and smuggled cigarettes; if her attention has been drawn to the fact that more than one in every four cigarettes consumed in Ireland last year was smuggled and, therefore, circumvented the tobacco control measures of her Department; and if she will make a statement on the matter. [41787/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): The Revenue Commissioners are responsible for the collection of tobacco products tax and for

tackling the illicit trade in cigarettes and tobacco products. In relation to cigarette smuggling, a survey carried out independently on behalf of the Revenue Commissioners and the Office of Tobacco Control in 2009, estimated that approximately 20% of cigarettes consumed in the State had not been taxed in this jurisdiction. It is important to emphasise that this estimate includes both illicit cigarettes and legal cross-border purchases brought into the State for personal consumption. The Revenue Commissioners would further tentatively estimate that this figure of 20% comprises 14% illicit product and 6% legal cross-border purchases.

The development and roll-out of social marketing campaigns to raise awareness on health and lifestyle behaviours is a matter for the Health Service Executive. Therefore, this matter has been referred to the HSE for direct reply.

Health Service Investigations

172. **Deputy Charlie O'Connor** asked the Minister for Health and Children if she is considering the Tallaght hospital review report published by the Health Service Executive; if she will ensure that all recommendations are effectively implemented and take whatever further action is required to guarantee that public confidence in Tallaght hospital is fully restored; and if she will make a statement on the matter. [41788/10]

Minister for Health and Children (Deputy Mary Harney): I have met with Dr. Hayes on 8th November and with the Chair of Tallaght Hospital on 9th November 2010 to discuss the implications of the report with them. I will meet shortly with the CEO and Chair of the HSE to establish how the recommendations of the report can be implemented as soon as possible. The main focus will be on what initiatives are needed both in the hospital and in the wider health system to provide sustained improvements in the services for patients.

I have expressed my serious concern about the management and governance issues in the hospital and about how some patients were managed. I note that, with the exception of two cases of delayed diagnosis before the review was established, the Report states that there are no unresolved issues involving the care or treatment of patients who were involved in the backlogs of X-rays or GP referral letters. I am aware that a small number of orthopaedic patients remain to be assessed and understand that the hospital will finalise these examinations as a matter of priority. I have also requested the HSE to examine the recommendations of the Hayes Report in detail and have called on the HSE and the hospital management to implement them as a matter of priority.

Medical Cards

173. **Deputy Seán Sherlock** asked the Minister for Health and Children the position regarding a medical card appeal in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [41819/10]

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

174. **Deputy John Perry** asked the Minister for Health and Children if she will ensure that a person's (details supplied) nursing home contribution will be reduced in light of the fact that it is being calculated based on the way the Health Service Executive view ownership of land previously owned by their spouse; and if she will make a statement on the matter. [41825/10]

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

175. **Deputy Seán Sherlock** asked the Minister for Health and Children if she will expedite the issuing of a medical card in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [41831/10]

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

176. **Deputy Michael D. Higgins** asked the Minister for Health and Children the present situation as it pertains to a home (details supplied); her plans for this home in the coming years; if her attention has been drawn to the real dangers which will be involved in any decision to close it down; her advice to those persons using the facility; and if she will make a statement on the matter. [41848/10]

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

177. **Deputy Jack Wall** asked the Minister for Health and Children the reason a person (details supplied) has been refused a medical card given that their circumstances have not changed since their previous renewal application; and if she will make a statement on the matter. [41998/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Medical Records

178. **Deputy John McGuinness** asked the Minister for Health and Children if the medical files for a person (details supplied) will be made available to them for the period 1965 to 1966 during which they were a patient in Portlaoise general hospital and if the request will be expedited [42001/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Departmental Funding

179. **Deputy Joe Carey** asked the Minister for Health and Children the position regarding an application for funding for an organisation (details supplied); and if she will make a statement on the matter. [42017/10]

Minister for Health and Children (Deputy Mary Harney): My Department has no record of an application from the Group referred to by the Deputy. If the organisation wishes to make an application for National Lottery Funding they should send in a formal application. Detailed procedures, along with the application form are set out on my Department's website www.dohc.ie.

180. **Deputy Joe Carey** asked the Minister for Health and Children further to Parliamentary Question No. 110 of 7 October 2010 the position regarding an application for national lottery funding in respect of an organisation (details supplied); and if she will make a statement on the matter. [42020/10]

Minister for Health and Children (Deputy Mary Harney): My Department has received an application for funding from the 2010 national lottery allocation from the organisation in question. This is one of a large number currently being assessed by my Department. The Deputy will be informed of the outcome of the application as soon as a decision has been made.

Parliamentary Questions

181. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children further to Parliamentary Question No. 57 of 5 October 2010 when a reply will issue from the Health Service Executive [42064/10]

Minister for Health and Children (Deputy Mary Harney): I understand, from the Health Service Executive, that a reply is expected to issue shortly.

182. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children further to Parliamentary Question No. 155 of 5 October 2010 when a reply will issue from the Health Service Executive [42065/10]

Minister for Health and Children (Deputy Mary Harney): I understand from the HSE that a reply issued to the Deputy on 5th November, 2010.

183. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children further to Parliamentary Question No. 164 of 5 October 2010 when a reply will issue from the Health Service Executive [42066/10]

Minister for Health and Children (Deputy Mary Harney): I understand from the HSE that a reply issued to the Deputy on 5th November, 2010.

184. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children further to Parliamentary Question No. 184 of 5 October 2010 when a reply will issue from the Health Service Executive [42067/10]

Minister for Health and Children (Deputy Mary Harney): My Department has again requested the Parliamentary Affairs Division of the Health Service Executive to arrange for a reply to issue to the Deputy on this matter.

National Treatment Purchase Fund

185. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding the case of a person (details supplied) in Dublin 3 [42075/10]

Minister for Health and Children (Deputy Mary Harney): I understand that the HSE has written to the Deputy on 4 November 2010 in response to a previous parliamentary question from him in relation to this person. The National Treatment Purchase Fund (NTPF) was established to arrange treatment for patients who have been waiting longest on surgical, in-patient waiting lists. Subject to the resources available to it, the NTPF may arrange treatment for patients who have been on a surgical waiting list for more than three months. It is open to the

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person in question or anyone acting on their behalf to contact the Fund directly in relation to their case.

Departmental Staff

186. **Deputy Róisín Shortall** asked the Minister for Health and Children the number of persons in her Department who availed of the incentivised career break arrangements and the net savings to the Exchequer of the initiative [42088/10]

Minister for Health and Children (Deputy Mary Harney): The Special Civil Service Incentive Career Break Scheme was announced on the 30th April 2009 and was available for civil servants during 2009 only. To avail of this scheme, a career break of special leave without pay had to be taken for three years. The scheme provides for the payment of one third of gross pay to a maximum of €12,500 per annum to successful applicants. These amounts are reduced pro rata for any person on reduced working hours under worksharing arrangements and the amount payable is subject to tax and other statutory deductions. 13 individuals are availing of the incentivised career break scheme in my Department and the net savings are estimated to be approximately €1.1m.

Missing Persons

187. **Deputy Charles Flanagan** asked the Minister for Health and Children the number of unaccompanied minors claiming asylum who have been reported missing since 1 January 2008 and of these, the number that have been located by the gardaí; and if she will make a statement on the matter. [35528/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): As this is a service matter it has been referred to the HSE for direct reply.

Air Services

188. **Deputy Brian Hayes** asked the Minister for Transport if he will list all levies and charges that the State imposes on air travel; the amount of revenue collected by each of these charges in 2009 and to date in 2010; and if he will make a statement on the matter. [41764/10]

Minister for Transport (Deputy Noel Dempsey): There are no levies or charges imposed by the State on air travel apart from the air travel tax, which is the subject of the Deputy's related question to the Minister for Finance (Question No 525). Airport charges are set by the airport authority at each airport. In the case of Dublin Airport, these charges are regulated by the Commission for Aviation Regulation who sets the maximum level of charges that can be applied.

189. **Deputy Brian Hayes** asked the Minister for Transport the total cost of subsidising internal flights; and if he will make a statement on the matter. [41766/10]

Minister for Transport (Deputy Noel Dempsey): The current Public Service Obligation (PSO) contracts for services linking Dublin Airport with the regional airports at Derry, Donegal, Sligo, Ireland West Airport Knock, Galway and Kerry Airports commenced on 22 July 2008 and are due to expire on 20 July 2011 at a cost of €44,841,567 for the three year contract period.

Preclearance Agreement

190. **Deputy Joe Carey** asked the Minister for Transport the position regarding the development of a project (details supplied); and if he will make a statement on the matter. [41847/10]

Minister for Transport (Deputy Noel Dempsey): The position with cargo preclearance is that the Ireland-U.S. Preclearance Agreement signed in November 2008, does not provide for the preclearance of cargo. However, as I have previously informed the Deputy, when passenger preclearance, which is already fully established at Shannon Airport, becomes operational at Terminal 2 in Dublin Airport I will consider the possibility of approaching the U.S. Authorities about cargo preclearance.

Penalty Points System

191. **Deputy Thomas P. Broughan** asked the Minister for Transport if the Road Traffic Act 2010 is being implemented in terms of the requirement of drivers who have been charged with penalty points offences to present their licence to the courts; and if he will make a statement on the matter. [41860/10]

Minister for Transport (Deputy Noel Dempsey): The Road Traffic Act 2002, as amended, currently provides that a person who is alleged to have committed an offence under the Road Traffic Acts must produce their driving licence to the Court. The 2002 Act also provides that the Court shall record whether or not the licence has been produced. Issues relating to the application of these provisions were identified during the very extensive discussions that preceded the drafting of the Road Traffic Act 2010. Consequently, Section 63 of the 2010 Act establishes a requirement to produce both a driver licence and a copy of the licence to the Court. This will further assist administrative procedures in the Courts and the application of any penalty points to the appropriate driver licence record.

The provisions of the Road Traffic Act 2010 will come into force through the making of a series of Commencement Orders. One such Order (S.I. No. 394 of 2010) has been made to date. The remaining sections, including section 63, of the legislation will come into force when the necessary and relevant operational and administrative supports are in place. It is anticipated that section 63 will be commenced in the near future.

State Airports

192. **Deputy Joe Carey** asked the Minister for Transport further to Parliamentary Question No. 354 of the 23 March 2010, the position regarding discussions between his Department, the DAA and a group (details supplied) on the development of a major international cargo hub at Shannon Airport; when a decision will issue from him on this project; and if he will make a statement on the matter. [42002/10]

Minister for Transport (Deputy Noel Dempsey): I understand that the Dublin Airport Authority is in active discussions with the Lynx group regarding this proposal and that meetings are taking place on an ongoing basis.

Harbours and Piers

193. **Deputy Joe Carey** asked the Minister for Transport the position regarding funding for a project (details supplied); and if he will make a statement on the matter. [42053/10]

Minister for Transport (Deputy Noel Dempsey): The Office of Public Works and the Irish Coast Guard staff are currently engaged on the pre-tender stage of the project at Doolin pier.

[Deputy Noel Dempsey.]

Funding for the project will be considered in the context of my Department's 2011 Estimates process.

Departmental Expenditure

194. **Deputy Lucinda Creighton** asked the Minister for Transport the capital budget allocated to his Department in 2010; the amount of the allocated funding that has been spent; the projects that have been allocated capital funding by his Department in 2010; the amount of allocated moneys spent in the case of each project; and if he will make a statement on the matter. [42072/10]

Minister for Transport (Deputy Noel Dempsey): My Department's capital allocation for 2010 is €2,081,397,000. To date €1,306,191,287 of the total allocation has been spent.

Allocation and expenditure is broken down between the various subheads as follows:

	Allocation for 2010	Expenditure to 9/11/2010
	€	€
A5 Office Machinery	635,000	254,562
B1 Road Improvement/Maintenance		
— National Roads	1,114,000,000	719,680,654
— Regional and Local Roads	300,000,000	197,680,858
B3 Road Safety Agencies	1,000,000	250,000
B4 Vehicle and Driver Licensing Expenses	1,500,000	302,812
B5 Smarter Travel/Carbon Reduction Measures	23,000,000	2,304,206
C2 Public Transport Investment Programme	614,988,000	382,874,734
D2 Regional Airports	3,000,000	324,112
E1 Maritime Safety and Irish Coast Guard	13,000,000	2,424,200
F3 Cross Border Initiatives	10,274,000	95,145

In line with previous expenditure patterns it is expected that significant drawdown will occur in the remaining weeks. Indications from the agencies involved are that all allocations will be fully drawn down by year-end.

Departmental Staff

195. **Deputy Róisín Shortall** asked the Minister for Transport the number of persons in his Department who availed of the incentivised career break arrangements and the net savings to the Exchequer of the initiative. [42093/10]

Minister for Transport (Deputy Noel Dempsey): In my Department, 13 officers availed of the Incentivised Career Break Scheme. The approximate net savings to the exchequer amounted to €159,759 for 2009 and €264,628 for 2010 to date.

Garda Recruitment

196. **Deputy Michael Ring** asked the Minister for Justice and Law Reform when a person who has completed the aptitude test for the Garda Síochána in 2008 can expect to be called for a medical. [41770/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that all applicants for Garda trainees selected by the Public Appointments Service undergo a Physical Competency Test, a Medical Examination and also Character Vetting prior to appointment. However, the general moratorium on recruitment and appointments in the Public Service continues to apply to An Garda Síochána.

Garda Investigations

197. **Deputy Pat Rabbitte** asked the Minister for Justice and Law Reform if his attention has been drawn to allegations of dereliction of duty by a number of the gardaí at a location (details supplied); if he is satisfied that the matter has been properly and fairly investigated; his views on whether it is acceptable that a conscientious garda can be scapegoated merely for seeking to provide an honest service to the public; if he will outline the position regarding the investigation at this Garda station; and if he will make a statement on the matter. [41775/10]

198. **Deputy Pat Rabbitte** asked the Minister for Justice and Law Reform if his attention has been drawn to claims that a conscientious garda has been scapegoated at a location (details provided); his views on whether the issues surrounding this case have been adequately and fairly investigated; the up-to-date position regarding this investigation; and if he will make a statement on the matter. [41776/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 197 and 198 together.

The matters referred to by the Deputy remain under Garda investigation and it would, therefore, be inappropriate for me to comment further at this time.

Custodial Treatment

199. **Deputy Jack Wall** asked the Minister for Justice and Law Reform the time limit as determined in legislation regarding a matter (details supplied); and if he will make a statement on the matter. [41792/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The Criminal Justice Act, 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987 as amended, prescribe the standards for the treatment of persons detained in Garda custody.

Those regulations provide that the member in charge of a Garda Station shall, without delay, inform an arrested person (or cause him/her to be informed) that he/she is entitled to consult a solicitor and in the case of a person not below the age of eighteen years, that he/she is entitled to have notification of his/her being in custody in the Garda station concerned sent to another person reasonably named by him/her. In the case of a person under the age of eighteen, he/she is entitled to have information relating to his/her being in custody given to a parent or guardian (or spouse if married) and to have them asked to attend the Garda station without delay.

This information will be given orally and also by way of written notice. The time of the giving of the oral information and the written notice are recorded in the custody record and acknowledged by the arrested person. If he/she refuses to sign, that refusal shall also be recorded.

200. **Deputy Jack Wall** asked the Minister for Justice and Law Reform the legislated position regarding a matter (details supplied); and if he will make a statement on the matter. [41794/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The Criminal Justice Act, 1984 (Treatment of Persons in Custody in Garda Síochána Stations) Regulations 1987 as amended, prescribe the standards for the treatment of persons detained in Garda custody.

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The regulations provide *inter alia* that if a person in custody appears to the member in charge to need medical attention, then he or she shall summon a doctor or cause one to be summoned unless the person's condition appears to the member in charge to be such as to necessitate immediate removal to a hospital. The member in charge shall ensure that any instructions given by a doctor in relation to medical care are complied with.

Medical advice shall also be sought if the person in custody claims to need medication relating to a heart condition, diabetes, epilepsy or other potentially serious condition or if the member in charge considers it necessary because the person has in his or her possession any such medication.

Crime Levels

201. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform the number of persons who have been arrested for begging in Dublin in 2007, 2008, 2009 and to date in 2010; and if he will make a statement on the matter. [41809/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The Garda Síochána Act 2005 makes provision for the compilation and publication of crime statistics by the Central Statistics Office, as the national statistical agency, and the CSO has established a dedicated unit for this purpose.

I have requested the CSO to provide statistics directly to the Deputy.

In a judgement on 4 December, 2007 the High Court held section 3 of the Vagrancy (Ireland) Act 1847, under which prosecutions for begging were brought, to be unconstitutional. The Criminal Justice (Public Order) Bill 2010, currently before the House, provides for measures to control anti-social behaviour associated with begging.

Illegal Fireworks

202. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform the number of illegal fireworks seized over the Hallowe'en period; and if he will make a statement on the matter. [41814/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that up to 2 November, 2010, the latest date for which figures are available, there were 164 seizures of fireworks with an estimated value of €59,316. These statistics are operational and liable to change.

I am further informed that during the Halloween period appropriate policing measures were put in place in every Garda Division and District as Operation Tombola. Operational orders were prepared in every Garda Region, in particular in the Dublin Metropolitan Region and Border Divisions, to prevent and, where necessary, detect the organised importation for sale of fireworks. Persons suspected of engaging in the importation, supply or sale of fireworks were identified and targeted, including by way of intelligence-led operations.

Garda Equipment

203. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform the number of roadside breathalysers that are necessary for the Garda Síochána to enforce compulsory testing at the scene of every road collision; and if he will make a statement on the matter. [41815/10]

204. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform the number of roadside breathalysers that have been added by the Medical Bureau of Road Safety

to the total stock of roadside breathalysers held by the Garda Síochána each month in 2010; and if he will make a statement on the matter. [41857/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 203 and 204 together.

I am informed that the Medical Bureau of Road Safety, which is under the aegis of the Department of Transport, has statutory responsibility for the testing, approval and supply of roadside breath screening devices to An Garda Síochána.

I am also informed that Garda management is satisfied that there are sufficient devices available to meet current operational needs. Such devices are available to members of An Garda Síochána in all Garda Divisions and are carried in Garda vehicles as appropriate.

The requirements for such devices are kept under constant review by senior Garda management in conjunction with the Medical Bureau of Road Safety. Additional equipment will be acquired if necessary when the relevant provisions of the Road Traffic Act 2010 are commenced.

I have requested the information sought by the Deputy regarding the number by month of screening devices acquired. I will be in contact with the Deputy when the information is available.

Garda Training

205. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform further to Parliamentary Question No. 59 of 28 October 2010 if he will indicate the length of the detailed training programme for the Garda Síochána in the use of the instruments; and if he will make a statement on the matter. [41859/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The reply to Parliamentary Question No. 59 of 28 October, 2010 makes no reference to training.

If the Deputy clarifies the reference, I will pursue the matter.

Penalty Points System

206. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform if the Road Traffic Act 2010 is being implemented in terms of the requirement of drivers who have been charged with penalty points offences to present their licence to the court; if so, the number of drivers so far this year who have failed to present their licence to the court as mandated under the Road Traffic Act 2010; and if he will make a statement on the matter. [41861/10]

207. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform the number of drivers who have been disqualified from driving by the court who have not handed in their driving licence so far in 2010; and if he will make a statement on the matter. [41862/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 206 and 207 together.

Road traffic legislation is the responsibility of my colleague the Minister for Transport. I am informed that the section of the Road Traffic Act 2010 referred to by the Deputy has not yet been commenced by the Minister.

The number of drivers who have been disqualified from driving by the court and who have not handed in their licences is a matter for the courts. Under the Courts Service Act 1998, the Courts Service is independent in the performance of its functions which include, inter alia, the provision of statistical and other court related information.

Visa Applications

208. **Deputy Fergus O'Dowd** asked the Minister for Justice and Law Reform the number of international students that are registered with the Garda National Immigration Bureau and Irish Naturalisation and Immigration Service in tabular form; the percentage of these students that attend English language colleges, further education colleges and higher education colleges; and if he will make a statement on the matter. [41987/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): There are some difficulties in precise classification as some institutions may offer courses of more than one type. However, based on an analysis by the immigration authorities of the computerised records, the table below provides the information sought by the Deputy as at 29 October 2010. It should be noted that international students who are required to register with the Garda National Immigration Bureau are non-EEA students whose course of study exceeds 3 months. These represent a minority of those coming to Ireland to study. By far the largest cohort of international students comprises EEA nationals engaged in language courses. These are not included in the figures as such persons do not have to register with the immigration authorities.

Non-EEA Students registered in Ireland as at 29 October 2010 by education sector

English Language	Further Education	Higher Education	Other	Total
9,286	9,822	11,110	1,303	31,521
29%	31%	36%	4%	100%

209. **Deputy Fergus O'Dowd** asked the Minister for Justice and Law Reform the grounds upon which an international student may be refused a student visa; under what criteria may a student be refused a visa on grounds that their need to undertake a course in this State is not demonstrated or warranted; his views that these grounds may be open to wide interpretation; and if he will make a statement on the matter. [41988/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): At the outset, it should be borne in mind that each visa application is considered on its individual merits, with the onus resting with the applicant to satisfy the visa officer as to why the visa should be granted.

In assessing a visa application, a visa officer takes all relevant factors into consideration depending on the type of visa sought. Information regarding visa application requirements and reasons for refusal can be found on the website of the Irish Naturalisation and Immigration Service (www.inis.gov.ie).

While the nature of individual study visa applications can vary widely, the following examples illustrate typical circumstances which could lead to a determination by a visa officer that the need to undertake the course in this State is neither demonstrated nor warranted:

- an applicant has not outlined and/or satisfied the visa officer as to the reasons for undertaking the particular course of study identified in the visa application. There may not have been any clear link made by the applicant to a need to pursue a particular course — be it a change of career, work related studies or progression/advancement to the next stage of study e.g. diploma, degree or masters level.
- an applicant has already obtained a higher level of qualification in a particular area than that which the course of study offers; for example, a case where an applicant holds a degree in nursing yet applies to study a FETAC level care-assistant course.

- the course in question is readily available in the home country of the applicant and there is no reason for the applicant to travel to Ireland for the purpose of study.
- an applicant is from a country where English is commonly spoken but seeks to study English in Ireland rather than in their home country.

A decision to refuse on the basis that the need to undertake a course in this State is not demonstrated or warranted is at the discretion of the visa officer and is a matter of judgement taking into account all the circumstances. However, I believe the availability of this ground for refusal is justified in circumstances such as those outlined in the examples above.

It is important that Study Visas are sought by and granted only to individuals whose primary purpose in coming to Ireland is to study. The Deputy may be aware of the generous facility regarding employment which is afforded to international students to assist with living expenses, i.e., 20 hours work permissible during term time and 40 hours permissible outside of term time. There is however an obligation on my Department to guard against persons seeking a Study Visa when in fact they are essentially economic migrants.

As with all visa regimes worldwide, the central concern is to strike an appropriate balance between protecting the country's vital national interests by maintaining an effective immigration regime, while at the same time not placing unnecessary or unreasonable obstacles in the way of those who intend travelling for legitimate purposes and who are likely to abide by the terms of their visa. Each visa application is decided on its individual merits and every effort is made to achieve this balance.

Garda Vetting

210. **Deputy Maureen O'Sullivan** asked the Minister for Justice and Law Reform the reason an organisation (details supplied) cannot get garda vetting in its own right but was told to pursue this through another organisation [41990/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The Garda Central Vetting Unit (GCVU) provides employment vetting to organisations in Ireland registered with the Gardaí for this purpose and which employ persons in a full-time, part-time, voluntary or training capacity to positions where they would have substantial, unsupervised access to children and/or vulnerable adults.

The employment vetting service provided by the Gardaí has been expanded greatly in recent years as part of a phased programme to roll-out the service to an increasing number of organisations. Within this programme the vetting service has now been extended to over 18,000 organisations. The GCVU has managed a substantial increase over that period in the numbers of vetting applications it receives — 187,864 in 2007; 218,404 in 2008 and 246,194 in 2009.

Given the large number and wide range of client organisations, the registration process is managed through umbrella organisations which provide single points of contact. This ensures more effective co-ordination and quality control in the various sectors and a more efficient use of resources in the vetting process.

As part of the programme of expansion, Garda vetting has been extended to sporting organisations which are recognised by the Irish Sports Council, which is the statutory agency responsible for the promotion, development and co-ordination of sport in Ireland and which works in liaison with the GCVU in managing the roll-out of vetting to the sports sector. I am informed by the Garda authorities that the organisation to which the Deputy refers is not a member of the Irish Sports Council. The Garda authorities have advised the organisation of the need to register with the Irish Sports Council and have communicated to it the necessary information in this regard.

Courts Service

211. **Deputy Noel Ahern** asked the Minister for Justice and Law Reform his views on recent media reports regarding the courts support service offered to victims and families of victims of crime being severely reduced; and if he will make a statement on the matter. [42012/10]

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.

Ground Rent

212. **Deputy Joanna Tuffy** asked the Minister for Justice and Law Reform the position regarding ground rent legislation and the abolition of ground rents; and if he will make a statement on the matter. [42055/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): Part III of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 contains a statutory scheme whereby any person may, at reasonable cost, acquire the fee simple in his or her dwelling house. The scheme is operated by the Property Registration Authority. Since it was introduced in 1978, over 80,000 applicants have availed of the scheme and have acquired a freehold title to their property.

A legal challenge to the constitutionality of the purchase price provisions of the ground rents legislation was heard in the High Court in 2005. The Court's judgment upholding the constitutionality of the legislation was delivered in early 2006 but was subsequently appealed to the Supreme Court. The Supreme Court heard the appeal some months ago and has reserved its judgment.

Legislative Programme

213. **Deputy Denis Naughten** asked the Minister for Justice and Law Reform when the Mental Capacity Bill will be published; and if he will make a statement on the matter. [42062/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The Government Legislation Programme indicates that the Mental Capacity Bill is expected to be published in this Session.

The Bill will reform the law on mental capacity taking into account the Law Reform Commission's Report on Vulnerable Adults and the Law. The Bill will replace the Wards of Court system with a modern statutory framework governing decision-making on behalf of adults who lack capacity.

Departmental Expenditure

214. **Deputy Lucinda Creighton** asked the Minister for Justice and Law Reform the overtime bill for the State car services in each of the years 2005, 2006, 2007, 2008, 2009 and to date in 2010; and if he will make a statement on the matter. [42069/10]

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.

Departmental Staff

215. **Deputy Róisín Shortall** asked the Minister for Justice and Law Reform the number of persons in his Department who availed of the incentivised career break arrangements and the net savings to the Exchequer of the initiative [42089/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): There are 51 staff of my Department currently availing of the incentivised career break scheme. The estimated net savings expected to arise over the 3-year period of the scheme is c. €4 million.

Passport Applications

216. **Deputy Seán Sherlock** asked the Minister for Foreign Affairs if a person from the United Kingdom whose father is from Northern Ireland and whose grandparents were both Irish is entitled to apply for an Irish passport; and if he will make a statement on the matter. [41743/10]

Minister for Foreign Affairs (Deputy Micheál Martin): A person whose father was born in Northern Ireland is entitled to apply for an Irish passport. In support of a passport application, the applicant should enclose their long form birth certificate and the long form birth certificate of the father. If the applicant is over eighteen years of age they should also provide some additional form of photo-identification, e.g. drivers licence; work ID; student card; social club membership; passport from other country etc., documentary evidence to show use of name; e.g. payslips; records of unemployment or disability payment; bank statement; college registration etc., and evidence of residency at the application address; e.g. utility bills; official correspondence from public or private sector organisations etc.

Foreign Conflicts

217. **Deputy Joe Costello** asked the Minister for Foreign Affairs if he will respond to correspondence (details supplied) [42078/10]

Minister for Foreign Affairs (Deputy Micheál Martin): I am aware of the case raised by the Deputy which was also notified to my Department by the Moroccan Embassy on 19 October. Mr. Mustapha Salma Ould Sidi Mouloud, a Moroccan Sahrawi, was detained on 21 September by the Polisario Front. Mr. Mouloud lived with his wife and family in the el-Ayoun camp, a Polisario-run Sahrawi refugee camp near Tindouf, Algeria. Mr. Mouloud is understood to have held a news conference in Smara, in Moroccan-controlled Western Sahara, on 9 August during which he advocated Morocco's autonomy initiative. On return to Polisario territory, he was arrested. Mr. Mouloud has now apparently been released but remains confined to the remote outpost of Mehriz, where the only telephone coverage is with satellite telephones. The Polisario have facilitated telephone contact with the UNHCR but have not allowed him to communicate with his family. UNHCR are apparently trying to organise Mr. Mouloud's safe passage to a

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country of his choice. I urge the Polisario to ensure that Mr. Mouloud's rights are respected, particularly his right to freedom of expression, and to allow Mr. Mouloud to contact his family.

Mr. Mouloud's case, and the regrettable violence causing the deaths of a number of people and injuries to dozens more resulting from attempts by Moroccan security forces to break up a peaceful protest camp on the outskirts of Laayoune earlier this week, highlights the urgent need for progress in resolving the ongoing and long-standing dispute regarding Western Sahara. Representatives of the Polisario Front, Morocco and Algeria, together with other interested states, are meeting in New York this week to discuss this issue. Ireland supports the right to self-determination of the people of Western Sahara as well as the continuing engagement of the United Nations in the search for a political solution in the territory based on the principle of self-determination.

I strongly support the continuing efforts of UN Secretary General Ban's Personal Envoy for Western Sahara, Christopher Ross, to bring about substantive negotiations on the future of the Western Sahara. Mr. Ross has recently completed a tour of the region in an effort to resolve some of the issues preventing constructive engagement between Morocco and the Polisario. He is hosting the further round of informal discussions this week. Previous rounds of informal talks were held in New York and Austria, most recently in February this year. It is my hope that the two sides use this opportunity to engage in constructive dialogue and do not allow themselves to be deterred by the recent worsening of relations. It is unfortunately clear that in the previous rounds of talks there has been no real engagement between the two sides on the substantive issues.

The critical blockage remains Morocco's refusal to allow a referendum in the territory which would include an option of independence for the people of the Western Sahara. This has been provided for in a number of UN peace plans, and it is difficult to see that there can be any genuine self-determination without such a referendum. Ireland will continue its dialogue with both Morocco and the Polisario, through their representatives based here in Ireland, to encourage support for the UN Secretary General's good offices mission and the efforts of Personal Envoy Ross to achieve some measure of political progress and increased confidence between both sides.

Departmental Staff

218. **Deputy Róisín Shortall** asked the Minister for Foreign Affairs the number of persons in his Department who availed of the incentivised career break arrangements and the net savings to the Exchequer of the initiative [42087/10]

Minister for Foreign Affairs (Deputy Micheál Martin): Twenty two staff of the Department of Foreign Affairs availed of the incentivised career break scheme. The net savings on salary are set out in the table. The Deputy will be aware that the scheme is due to terminate in 2012.

Year	Amount
	€
2009	221,229
2010	648,283
2011 (estimated)	648,283
2012 (estimated)	486,212
Total	2,004,007

Social Welfare Benefits

219. **Deputy Michael Creed** asked the Minister for Social Protection the reason his Department are proposing to withdraw an invalidity pension from a person (details supplied) in County Cork [41744/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Payment of invalidity pension, to the person concerned, was disallowed by a Deciding Officer following an examination by a Medical Assessor of the Department who expressed the opinion that she was capable of work. An appeal was opened and in the context of that appeal, her case was reviewed by a second Medical Assessor who also expressed the opinion that she was capable of work.

I am informed by the Social Welfare Appeals Office that, in the light of this second medical opinion, that office decided to afford her an opportunity of setting out the complete and up to date grounds of her appeal. The person concerned has submitted additional medical evidence which has been forwarded to the Chief Medical Advisor for his opinion.

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.

220. **Deputy James Reilly** asked the Minister for Social Protection the length of time a person (details supplied) must wait for their appeal for carer's allowance to be processed [41750/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case. The person concerned will be informed when arrangements have been made.

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 in 2009,
- A number of additional staff were assigned to the administration area of the Office,
- The organisation of the Appeals Officer's work has been changed so as to increase productivity,
- A project to improve the business processes in the office was undertaken which has resulted in a number of improvements being implemented, and
- Significant enhancements have been made to the office's IT and phone systems.

In addition, it was decided to use experienced retired staff strictly on a short term basis to supplement the current resources and the services of eight retired officers have now been secured on a part-time basis and have been operating since July.

I am assured by the Chief Appeals Officer that she is keeping current processes under continuous review with a view to achieving a more effective throughput of appeals, while ensuring

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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.

221. **Deputy Michael Ring** asked the Minister for Social Protection when a person (details supplied) in County Mayo will be approved the fuel allowance [41781/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The person concerned was awarded an increase in respect of fuel allowance and arrears due issued to her on 4 November 2010.

Social Welfare Appeals

222. **Deputy Michael Ring** asked the Minister for Social Protection the outcome of a child benefit appeal in respect of a person (details supplied) in County Mayo [41817/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case. The person concerned will be informed when arrangements have been made.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

223. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection the position regarding a disability payment appeal in respect of a person (details supplied) in County Monaghan [41823/10]

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 22 June 2010. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received back in the Social Welfare Appeals Office on 16 September 2010 and 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.

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.

Departmental Estimates

224. **Deputy Billy Timmins** asked the Minister for Social Protection the position regarding a matter (details supplied); and if he will make a statement on the matter. [41837/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Details of Estimate Provision and outturn in respect of Vote 38 Department of Social Protection and the Social Insurance Fund for 2002 to 2009 and up to 30 September, 2010 are set out in the tables. Social Insurance Fund outturn figures provided for 2009 and 2010 and Vote 38 outturn figures for 2010 are provisional and subject to audit by the Comptroller and Auditor General.

To end September 2010 — Vote 38 (Social Protection)

Subhead	Scheme / Service	Estimate Provision for 2010	Outturn (to end Sept. 2010)
		€000	€000
A.1 – A.10.	Administration	384,173	269,099
B.	State Pension (Non-Contributory)	946,740	719,168
C.	Blind Pension	15,686	11,725
D.	Child Benefit	2,260,990	1,648,438
E.	Jobseeker's Allowance	2,759,911	2,060,586
F.	Farm Assist scheme	96,280	81,826
G.	Employment Support Services	229,330	174,919
H.	Pre-retirement Allowance	75,440	59,948
I.	One-parent Family Payment	1,119,932	829,319
J.	Widows'/Widowers' Pension and Guardian's Payment (Non-Contributory)	22,460	17,570
K.	Deserted Wives without Dependent Children	5,070	3,797
L.	Family Income Supplement	215,040	137,721
M.	Carer's Allowance	541,460	372,952
N.	Supplementary Welfare Allowances	1,026,439	767,196
O.	Disability Allowance	1,100,970	824,707
P.	Respite Care Grant	153,000	126,372
Q.	Free Schemes (Assistance)	408,536	257,399
R.	School Meals Schemes	35,000	25,793
S.	Grant to Family Support Agency	9,909	16,593
T.	Grant to the Citizens Information Board	45,872	34,455
U.	Domiciliary Care Allowance	99,264	71,299
V.	¹ Rural Social Scheme	15,955	—
W.	¹ Community Services Programme	9,123	—
X.	Miscellaneous services	4,539	4,120
—	Money Advice and Budgeting Service	—	—
—	Combat Poverty Agency	—	69
Y.	Payment to the Social Insurance Fund under Section 9(9) (a) of the Social Welfare Consolidation Act 2005	1,551,448	1,380,000
	Gross Total:	13,122,364	9,895,071
Z.	Appropriations-in-aid (<i>Deduct</i>)	212,399	163,756
	Net Total:	12,909,965	9,731,315

¹Responsibility for the Rural Social Scheme (RSS) and the Community Services Programme (CSP) transferred from the Department of Community, Equality and Gaeltacht Affairs on 1 September 2010. Payments to Pobal from the Department of Social Protection commenced in October 2010 with €3,364,371 paid in respect of the RSS and €4,000,000 paid in respect of the CSP. Up to end September 2010 payments to Pobal were made by the Department of Community, Equality and Gaeltacht Affairs — €38.3 million was paid in respect of the RSS and €40.15 million in respect of the CSP.

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2009 — Vote 38 (Social and Family Affairs)

Subhead	Scheme / Service	Estimate Provision	Outturn
		€000	€000
A.1 — A.10.	Administration	387,674	374,523
B.	State Pension (Non-Contributory)	981,715	1,000,546
C.	Blind Pension	16,548	16,277
D.	Child Benefit	2,500,140	2,495,304
E.	Jobseeker's Allowance	2,190,230	2,004,556
F.	Farm Assist scheme	87,672	93,297
G.	Employment Support Services	180,394	193,888
H.	Pre-retirement Allowance	105,757	96,606
I.	One-parent Family Payment	1,101,341	1,121,344
J.	Widows'/Widowers' Pension and Guardian's Payment (Non-Contributory)	24,490	27,299
K.	Social Assistance / Deserted Wives without Dependent Children	6,130	6,044
L.	Family Income Supplement	211,630	167,133
M.	Carer's Allowance	483,261	502,469
N.	Supplementary Welfare Allowances	1,114,562	1,031,950
O.	Disability Allowance	1,090,960	1,142,769
P.	Respite Care Grant	112,200	99,200
Q.	Free Schemes (Assistance)	368,289	353,166
R.	Money Advice & Budgeting Service	17,934	17,041
S.	Grant to Family Support Agency	35,707	34,660
T.1.	Combat Poverty Agency	4,088	1,564
T.2.	EU Community Action Programme for Employment and Social Solidarity (PROGRESS) 2007-2013	90	21
U.	Grant to Citizens Information Board	28,112	28,005
V.	Dormant Accounts — economic and social disadvantage	1,000	642
W.	Domiciliary Care allowance	41,000	31,017
X.	Miscellaneous services	39,168	38,231
	Gross Total:	11,130,092	10,877,552
Y.	Appropriations-in-aid (<i>Deduct</i>)	213,083	219,040
	Net Total:	10,917,009	10,658,512

2008 — Vote 38 (Social and Family Affairs)

Subhead	Scheme / Service	Estimate Provision	Outturn
		€000	€000
A.1 – A.11.	Administration	363,930	362,109
B.	State Pension (Non-Contributory)	970,010	972,765
C.	Blind Pension	15,880	16,319
D.	Child Benefit	2,469,200	2,453,957
E.	Jobseeker's Allowance	1,202,800	1,158,851
F.	Farm Assist scheme	91,280	84,881
G.	Employment Support Services	167,562	160,531

Subhead	Scheme / Service	Estimate Provision	Outturn
		€000	€000
H.	Pre-retirement Allowance	114,660	117,666
I.	One-parent Family Payment	1,065,150	1,067,158
J.	Widows'/Widowers' Pension and Guardian's Payment (Non-Contributory)	28,650	28,328
K.	Social Assistance and Other Allowances	6,810	6,631
L.	Family Income Supplement	177,341	170,309
M.	Carer's Allowance	472,300	450,260
N.	Supplementary Welfare Allowances	882,531	866,941
O.	Disability Allowance	1,045,790	1,052,660
P.	Respite Care Grant	101,800	98,204
Q.	Free Schemes (Assistance)	325,966	324,110
R.	Money Advice & Budgeting Service	17,950	16,217
S.	Grant to Family Support Agency	36,180	35,981
T.1.	Grant to the Combat Poverty Agency (Grant-in-aid)	4,313	4,114
T.2.	EU Community Action Programme for Employment and Social Solidarity (PROGRESS) 2007-2013	123	—
U.	Grant to Citizens Information Board	29,268	29,468
V.	Dormant Accounts — economic and social disadvantage	1,000	—
W.	Miscellaneous services	41,253	40,631
	Gross Total:	9,631,747	9,518,091
X.	Appropriations-in-aid (<i>Deduct</i>)	184,530	190,051
	Net Total:	9,447,217	9,328,040

2007 — Vote 38 (Social and Family Affairs)

Subhead	Scheme / Service	Estimate Provision	Outturn
		€000	€000
A.1 – A.11.	Administration	378,699	347,133
B.	State Pension (Non-Contributory)	917,680	920,167
C.	Blind Pension	14,650	15,031
D.	Child Benefit	2,258,900	2,232,974
E.	Jobseeker's Allowance	909,170	875,092
F.	Farm Assist scheme	81,330	78,686
G.	Employment Support Services	151,402	145,024
H.	Pre-retirement Allowance	127,950	124,490
I.	One-parent Family Payment	939,950	962,425
J.	Widows'/Widowers' Pension and Guardian's Payment (Non-Contributory)	23,080	24,287
K.	Social Assistance and Other Allowances	7,080	6,912
L.	Family Income Supplement	152,450	140,020
M.	Carer's Allowance	342,410	361,257
N.	Supplementary Welfare Allowances	763,031	739,820
O.	Disability Allowance	892,640	901,131
P.	Respite Care Grant	66,600	72,471
Q.	Free Schemes (Assistance)	287,845	285,750
R.	Money Advice & Budgeting Service	17,674	14,578
S.	Grant to Family Support Agency	35,339	35,339

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Subhead	Scheme / Service	Estimate Provision	Outturn
		€000	€000
T.1.	Grant to the Combat Poverty Agency (Grant-in-aid)	4,384	4,008
T.2.	EU Community Action Programme for Employment and Social Solidarity (PROGRESS) 2007-2013	123	42
U.	Grant to Comhairle	28,422	27,860
V.	Dormant Accounts — economic and social disadvantage	1,000	—
W.	Miscellaneous services	22,835	36,500
	Gross Total:	8,424,644	8,350,997
X.	Appropriations-in-aid (<i>Deduct</i>)	179,509	169,723
	Net Total:	8,245,135	8,181,274

2006 — Vote 38 (Social and Family Affairs)

Subhead	Scheme / Service	Estimate Provision	Outturn
		€000	€000
A.1 – A.11.	Administration	348,910	321,552
B.	Old Age Pension (Non-Contributory)	729,700	727,782
C.	Blind Pension	16,900	16,964
D.	Child Benefit	2,044,200	2,056,295
E.	Unemployment Assistance	742,000	768,560
F.	Farm Assist scheme	73,200	71,085
G.	Employment Support Services	120,632	115,552
H.	Pre-retirement Allowance	114,700	113,063
I.	One-parent Family Payment	847,200	834,262
J.	Widows', Widowers' and Orphans' (Non-Contributory) Pensions	112,500	108,520
K.	Social Assistance and Other Allowances	10,800	10,560
L.	Family Income Supplement	94,500	107,137
M.	Carer's Allowance	281,300	284,584
N.	Supplementary Welfare Allowances	733,601	686,364
O.	Disability Allowance	737,200	738,431
P.	Respite Care Grant	45,600	50,458
Q.	Free Schemes (Assistance)	236,472	237,838
R.	Money Advice & Budgeting Service	16,416	13,575
S.	Family Support Agency	28,025	26,506
T.1.	Grant to the Combat Poverty Agency (Grant-in-aid)	4,521	3,689
T.2.	EU Community Action Programme to Combat Social Exclusion 2002-2006	123	30
U.	Grant to Comhairle	24,362	24,362
V.	Dormant Accounts — economic and social disadvantage	1,000	—
W.	Miscellaneous services	21,193	21,728
	Gross Total:	7,385,055	7,338,897
X.	Appropriations-in-aid (<i>Deduct</i>)	169,809	161,717
	Net Total:	7,215,246	7,177,180

2005 — Vote 38 (Social and Family Affairs)

Subhead	Scheme / Service	Estimate Provision	Outturn
		€000	€000
A.1 – A.10.	Administration	306,195	294,089
B.	Old Age Pension (Non-Contributory)	627,900	631,299
C.	Blind Pension	16,900	16,661
D.	Child Benefit	1,915,700	1,899,936
E.	Unemployment Assistance	690,000	667,483
F.	Farm Assist scheme	63,600	67,284
G.	Employment Support Services	107,543	106,613
H.	Pre-retirement Allowance	105,800	102,879
I.	One-parent Family Payment	769,700	751,102
J.	Widows', Widowers' and Orphans' (Non-Contributory) Pensions	132,600	131,040
K.	Social Assistance and Other Allowances	11,500	11,482
L.	Family Income Supplement	73,800	72,152
M.	Carer's Allowance	212,200	223,059
N.	Supplementary Welfare Allowances	702,400	671,308
O.	Disability Allowance	636,200	630,728
P.	Respite Care Grant	36,000	34,301
Q.	Free Schemes (Assistance)	204,092	201,377
R.	Money Advice & Budgeting Service	13,620	13,593
S.	Family Support Agency	24,466	22,869
T.1.	Grant to the Combat Poverty Agency (Grant-in-aid)	4,236	4,236
T.2.	EU Community Action Programme to Combat Social Exclusion 2002-2006	123	64
U.	Grant to Comhairle	20,917	20,917
V.	Miscellaneous services	15,033	15,975
	Gross Total:	6,690,525	6,590,447
W.	Appropriations-in-aid (<i>Deduct</i>)	156,573	149,324
	Net Total:	6,533,952	6,441,123

2004 — Vote 38 (Social and Family Affairs)

Subhead	Scheme / Service	Estimate Provision	Outturn
		€000	€000
A.1 – A.10.	Administration	280,364	277,016
B.	Old Age Pension (Non-Contributory)	582,700	599,988
C.	Blind Pension	15,600	15,868
D.	Child Benefit	1,763,700	1,765,117
E.	Unemployment Assistance	657,400	613,817
F.	Farm Assist scheme	69,700	66,343
G.	Employment Support Services	117,523	115,956
H.	Pre-retirement Allowance	93,700	94,726

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Subhead	Scheme / Service	Estimate Provision	Outturn
		€000	€000
I.	One-parent Family Payment	707,800	694,835
J.	Widows', Widowers' and Orphans' (Non-Contributory) Pensions	131,400	128,522
K.	Social Assistance and Other Allowances	10,900	10,981
L.	Family Income Supplement	56,000	55,812
M.	Carer's Allowance	203,820	210,277
N.	Supplementary Welfare Allowances	654,832	646,550
O.	Disability Allowance	526,100	544,489
P.	Free Schemes (Assistance)	195,470	192,559
Q.	Money Advice & Budgeting Service	11,401	11,397
R.	Family Support Agency	20,185	19,610
S.1.	Grant to the Combat Poverty Agency (Grant-in-aid)	3,909	3,909
S.2.	EU Community Action Programme to Combat Social Exclusion 2002-2006	123	22
T.	Grant to Comhairle	17,826	17,826
U.	Miscellaneous services	15,725	12,253
W.	Losses	—	78
	Gross Total:	6,136,178	6,097,951
V.	Appropriations-in-aid (<i>Deduct</i>)	136,810	138,751
	Net Total:	5,999,368	5,959,200

2003 — Vote 40 (Social and Family Affairs)

Subhead	Scheme / Service	Estimate Provision	Outturn
		€000	€000
A.1 – A.11.	Administration	261,548	256,872
B.	Old Age Pension (Non-Contributory)	566,500	565,006
C.	Blind Pension	14,900	14,816
D.	Child Benefit	1,665,900	1,666,530
E.	Unemployment Assistance	572,200	565,952
F.	Farm Assist scheme	63,460	62,806
G.	Employment Support Services	139,820	139,407
H.	Pre-retirement Allowance	89,700	89,077
I.	One-parent Family Payment	666,500	660,586
J.	Widows', Widowers' and Orphans' (Non-Contributory) Pensions	127,490	122,639
K.	Social Assistance and Other Allowances	10,550	10,618
L.	Family Income Supplement	44,600	45,360
M.	Carer's Allowance	182,620	183,273
N.	Supplementary Welfare Allowances	634,780	631,238
O.	Disability Allowance	458,670	463,608
P.	Free Schemes (Assistance)	183,480	182,278

Subhead	Scheme / Service	Estimate Provision	Outturn
		€000	€000
Q.	Money Advice & Budgeting Service	9,867	9,405
R.1.	Family Support Agency	15,330	13,141
R.2.	Grants for Marriage and Family Counselling Services	450	417
R.3.	Grant for Family Resource Centres	1,220	2,425
S.1.	Grant to the Combat Poverty Agency (Grant-in-aid)	5,304	5,304
S.2.	EU Community Action Programme to Combat Social Exclusion 2002-2006	250	43
T.1.	Grant to Comhairle	16,061	16,061
T.2.	Grant to Comhairle- Information Society — Electronic Government — Oasis Project	950	950
U.	Miscellaneous services	11,779	9,421
	Gross Total:	5,743,929	5,717,233
V.	Appropriations-in-aid (<i>Deduct</i>)	131,040	133,649
	Net Total:	5,612,889	5,583,584

2002 — Vote 40 (Social and Family Affairs)

Subhead	Scheme / Service	Estimate Provision	Outturn
		€000	€000
A.1 – A.10.	Administration	260,260	259,693
B.	Old Age Pension (Non-Contributory)	540,200	537,308
C.	Blind Pension	14,400	14,221
D.	Child Benefit	1,443,900	1,462,793
E.	Unemployment Assistance	542,400	511,985
F.	Farm Assist scheme	59,900	58,571
G.	Employment Support Services	198,066	168,134
H.	Pre-retirement Allowance	91,500	87,028
I.	One-parent Family Payment	612,300	613,035
J.	Widows', Widowers' and Orphans' (Non-Contributory) Pensions	126,800	120,988
K.	Social Assistance and Other Allowances	10,100	10,250
L.	Family Income Supplement	52,500	42,423
M.	Carer's Allowance	173,000	160,042
N.	Supplementary Welfare Allowances	472,800	526,877
O.	Disability Allowance	398,200	407,585
P.	Free Schemes (Assistance)	168,201	160,774
Q.	Miscellaneous services	6,243	5,082
R.1.	Family Support Agency	4,000	—
R.2.	Grants for Marriage and Family Counselling Services	6,659	6,717
S.1.	Grant to the Combat Poverty Agency (Grant-in-aid)	4,771	4,771
S.2.	The Programme for Peace and Reconciliation	919	919
S.3.	EU Community Action Programme to Combat Social Exclusion 2002-2006	350	—

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Subhead	Scheme / Service	Estimate Provision	Outturn
		€000	€000
T.1.	Grant to Comhairle	14,513	14,386
T.2.	Grant to Comhairle — Information Society — Electronic Government — Oasis Project	952	952
U.	Grants for Community and Voluntary Service (Mainly National Lottery Funded)	23,455	24,900
	Gross Total:	5,226,389	5,199,434
V.	Appropriations-in-aid (<i>Deduct</i>)	127,823	128,513
	Net Total:	5,098,566	5,070,921

To end September 2010 — Social Insurance Fund

Scheme / Service	Estimate Provision for 2010	Outturn (to end Sept. 2010)
	€000	€000
State Pension (Contributory)	3,430,910	2,507,001
State Pension (Transition)	111,100	79,325
Widow's & Widower's (Contributory) Pension	1,320,260	977,883
Guardian's Payment (Contributory)	10,500	8,381
Deserted Wife's Benefit	93,790	70,250
Maternity Benefit	351,890	235,642
Health and Safety Benefit	650	426
Adoptive Benefit	1,300	634
Illness Benefit	884,420	695,192
Invalidity Pension	685,610	482,283
Carer's Benefit	31,260	19,582
Occupational Injuries Benefits	109,750	78,513
Bereavement Grant	20,400	13,613
Widowed Parent Grant	4,800	3,172
Jobseeker's Benefit	1,545,840	1,004,077
Treatment Benefit	34,000	31,906
Free Schemes	302,482	201,258
Redundancy & Insolvency	340,000	377,548
Administration	280,700	207,655
Total:	9,559,662	6,994,341

2009 — Social Insurance Fund

Scheme / Service	Estimate Provision	Outturn
	€000	€000
State Pension (Contributory)	3,327,345	3,367,320
State Pension (Transition)	87,683	104,969
Widow's & Widower's (Contributory) Pension &	1,352,488	1,364,901

Scheme / Service	Estimate Provision	Outturn
	€000	€000
Guardian's Payment (Contributory)		
Deserted Wife's Benefit	99,176	100,130
Maternity Benefit	355,060	331,289
Health and Safety Benefit	620	619
Adoptive Benefit	1,700	1,247
Illness Benefit	889,052	919,783
Invalidity Pension	691,518	681,642
Carer's Benefit	40,851	30,204
Occupational Injuries Benefits	112,449	112,332
Bereavement Grant	17,000	18,504
Widowed Parent Grant	6,600	5,504
Jobseeker's Benefit	2,422,670	1,733,816
Treatment Benefit	92,380	100,178
Free Schemes	310,733	279,039
Redundancy & Insolvency	234,000	350,398
Administration	280,905	281,423
Total:	10,322,230	9,783,298

2008 — Social Insurance Fund

Scheme / Service	Estimate Provision	Outturn
	€000	€000
State Pension (Contributory)	3,018,900	3,117,855
State Pension (Transition)	83,550	92,089
Widow's & Widower's (Contributory) Pension & Guardian's Payment (Contributory)	1,292,070	1,313,412
Deserted Wife's Benefit	102,580	104,618
Maternity Benefit	274,100	315,878
Health and Safety Benefit	560	576
Adoptive Benefit	1,440	1,644
Illness Benefit	833,280	852,305
Invalidity Pension	676,000	685,717
Carer's Benefit	31,480	33,666
Occupational Injuries Benefits	110,890	112,011
Bereavement Grant	17,000	17,851
Widowed Parent Grant	6,600	5,543
Jobseeker's Benefit	614,520	928,844
Treatment Benefit	94,900	97,124
Free Schemes	254,015	260,562
Redundancy & Insolvency	171,700	202,264
Administration	272,567	257,780
Total:	7,856,152	8,399,739

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2007 — Social Insurance Fund

Scheme / Service	Estimate Provision	Outturn
	€000	€000
State Pension (Contributory)	2,658,400	2,754,749
State Pension (Transition)	90,310	79,070
Widow's & Widower's (Contributory) Pension & Guardian's Payment (Contributory)	1,207,480	1,214,539
Deserted Wife's Benefit	98,960	100,710
Maternity Benefit	244,560	257,896
Health and Safety Benefit	440	503
Adoptive Benefit	920	1,333
Illness Benefit	746,250	755,077
Invalidity Pension	610,920	618,133
Carer's Benefit	20,800	26,900
Occupational Injuries Benefits	106,440	104,349
Bereavement Grant	18,600	16,673
Widowed Parent Grant	4,945	3,862
Jobseeker's Benefit	509,310	544,931
Treatment Benefit	88,500	91,602
Free Schemes	257,594	249,774
Redundancy & Insolvency	156,500	188,178
Administration	249,655	242,711
Total:	7,070,584	7,250,990

2006 — Social Insurance Fund

Scheme / Service	Estimate Provision	Outturn
	€000	€000
State Pension (Contributory)	1,570,700	1,580,896
State Pension (Transition)	903,300	857,627
Widow's & Widower's (Contributory) Pension & Guardian's Payment (Contributory)	1,099,100	1,103,699
Deserted Wife's Benefit	94,170	94,621
Maternity Benefit	175,000	180,801
Health and Safety Benefit	425	353
Adoptive Benefit	810	818
Illness Benefit	614,500	627,642
Invalidity Pension	588,200	602,414
Carer's Benefit	11,800	16,688
Occupational Injuries Benefits	96,300	95,988
Bereavement Grant	13,600	12,686
Widowed Parent Grant	3,375	2,942
Jobseeker's Benefit	457,900	455,073
Treatment Benefit	85,170	95,020
Free Schemes	208,060	206,590
Redundancy & Insolvency	150,500	170,012
Administration	234,428	221,684
Total:	6,307,338	6,325,554

2005 — Social Insurance Fund

Scheme / Service	Estimate Provision	Outturn
	€000	€000
Old Age (Contributory) Pension	1,110,900	1,152,849
Retirement Pension	1,067,700	1,060,052
Widow's & Widower's (Contributory) Pension & Orphans (Contributory) Allowance	980,000	1,006,040
Deserted Wife's Benefit	91,800	90,620
Maternity Benefit	137,100	132,412
Health and Safety Benefit	184	293
Adoptive Benefit	680	709
Disability Benefit	521,200	540,245
Invalidity Pension	534,900	548,285
Carer's Benefit	8,000	9,588
Occupational Injuries Benefits	89,600	88,078
Bereavement Grant	13,500	13,572
Widowed Parent Grant	3,186	3,304
Unemployment Benefit	463,600	418,085
Treatment Benefit	80,300	65,497
Free Schemes	183,828	182,052
Equal Treatment	—	—
Redundancy & Insolvency	150,500	150,348
Administration	211,603	202,580
Total:	5,648,581	5,664,609

2004 — Social Insurance Fund

Scheme / Service	Estimate Provision(€000)	Outturn(€000)
Old Age (Contributory) Pension	1,007,960	1,050,348
Retirement Pension	985,560	983,706
Widow's & Widower's (Contributory) Pension & Orphans (Contributory) Allowance	917,600	916,108
Deserted Wife's Benefit	89,350	89,749
Maternity Benefit	115,700	121,571
Health and Safety Benefit	224	143
Adoptive Benefit	620	609
Disability Benefit	466,700	479,611
Invalidity Pension	472,100	487,375
Carer's Benefit	8,500	7,698
Occupational Injuries Benefits	83,550	82,657
Bereavement Grant	13,000	13,190
Widowed Parent Grant	3,186	3,068
Unemployment Benefit	504,330	455,586
Treatment Benefit	74,120	70,454
Free Schemes	170,400	171,713
Equal Treatment	—	1
Redundancy & Insolvency	154,800	147,643
Administration	194,730	191,313
Total:	5,262,430	5,272,543

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2003 — Social Insurance Fund

Scheme / Service	Estimate Provision	Outturn
	€000	€000
Old Age (Contributory) Pension	870,800	946,902
Retirement Pension	881,350	898,981
Widow's & Widower's (Contributory) Pension & Orphans (Contributory) Allowance	825,000	835,030
Deserted Wife's Benefit	89,200	89,234
Maternity Benefit	105,800	107,336
Health and Safety Benefit	230	213
Adoptive Benefit	580	532
Disability Benefit	401,300	433,455
Invalidity Pension	439,800	440,263
Carer's Benefit	8,150	6,943
Occupational Injuries Benefits	80,340	78,757
Bereavement Grant	14,000	12,288
Widowed Parent Grant	3,000	2,867
Unemployment Benefit	494,030	477,129
Treatment Benefit	69,650	63,348
Free Schemes	140,520	158,236
Equal Treatment	—	5
Redundancy & Insolvency	94,800	97,636
Administration	183,940	184,042
Total:	4,702,490	4,833,197

2002 — Social Insurance Fund

Scheme / Service	Estimate Provision	Outturn
	€000	€000
Old Age (Contributory) Pension	804,900	868,529
Retirement Pension	794,600	803,413
Widow's & Widower's (Contributory) Pension & Orphans (Contributory) Allowance	769,400	773,233
Deserted Wife's Benefit	87,700	88,150
Maternity Benefit	96,300	99,129
Health and Safety Benefit	220	217
Adoptive Benefit	380	578
Disability Benefit	376,600	385,297
Invalidity Pension	402,000	403,617
Carer's Benefit	5,600	5,807
Occupational Injuries Benefits	75,700	77,018
Bereavement Grant	14,000	12,224
Widowed Parent Grant	3,000	2,971
Unemployment Benefit	411,800	423,487
Treatment Benefit	64,300	60,796
Free Schemes	133,290	135,270
Equal Treatment	—	17
Redundancy & Insolvency	50,800	58,713
Administration	175,800	177,458
Total:	4,266,390	4,375,924

Pension Provisions

225. **Deputy Billy Timmins** asked the Minister for Social Protection the position regarding a matter (details supplied); and if he will make a statement on the matter. [41838/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Pensions Board is a regulatory body operating under the aegis of the Department of Social Protection. The statutory role of the Board is to monitor and supervise the operation of the Pensions Act 1990. The Board was established in 1991 under the provisions of the Pensions Act, 1990, as amended, and comprises a chairperson and 16 ordinary members appointed by the Minister for Social Protection.

The Act defines the functions of the Board as follows:

- to monitor and supervise the operation of the Pensions Act and pensions development generally, including trust Retirement Annuity Contracts (RACs) and Personal Retirement Savings Accounts (PRSAs);
- to issue guidelines or guidance notes on the duties and responsibilities of trustees of schemes and codes of practice on specific aspects of their responsibilities;
- to issue guidelines or guidance generally on the operation of the Pensions Act and on the provisions of the Family Law Act, 1995, and the Family Law (Divorce) Act, 1996, relating to pension schemes;
- to encourage and support the provision of appropriate training facilities for trustees of schemes;
- to advise the Minister on all matters relating to functions assigned to the Board under the Pensions Act and on matters relating to pensions generally and to undertake such tasks as the Minister may, from time to time, request.

The Pensions Board aims to:

- promote the security and protection of members of occupational pension schemes, trust RACs and contributors to Personal Retirement Savings Accounts in accordance with the Pensions Act;
- promote the development of efficient national pension structures;
- promote a level of participation in the national pension system which enables all citizens to acquire an adequate retirement income;
- provide information and authoritative guidance to relevant parties in support of pension security, structures and participation.

All members of the Board are appointed by the Minister for Social Protection under the provisions of the Act and must comprise representatives of trade unions, employers, consumer interests, pensioner interests, the Government, the pensions industry, member trustees and professional groups involved with pension arrangements. The term of office for Board members is five years. Casual vacancies are filled directly by the Minister, on the nomination of the relevant nominating body, as appropriate. A person who fills a casual vacancy holds office for the remainder of the current five year period which commenced on 21 December 2005 and which will expire on 20 December 2010. A new Board will be appointed from 21 December 2010.

226. **Deputy Billy Timmins** asked the Minister for Social Protection the position regarding a matter (details supplied) [41839/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Pensions Board is a regulatory body operating under the aegis of the Department of Social Protection. The statutory role of the Board is to monitor and supervise the operation of the Pensions Act 1990.

The operations of the Pensions Board are largely financed by annual fees payable to it by occupational pension schemes and by providers of Personal Retirement Savings Accounts and trust RACs. My Department funds the National Pensions Awareness Campaign for which €500,000 has been allocated in 2010.

A table showing the number of staff and funding received from my Department for each of the years in question is set out below.

Year	Staff Numbers	National Pensions Awareness Campaign
		€
2008	39.3	1,000,000
2009	39.3	500,000
2010	37.8	500,000

Staff numbers are as of 31 December except for 2010 which is current staff numbers. The numbers include a temporary staff member at Assistant Principal level which is funded by National Pensions Awareness Campaign.

Social Welfare Code

227. **Deputy Denis Naughten** asked the Minister for Social Protection the investigations that take place when an application is made (details supplied); the proof required by the Department in such situations; whether the onus of proof lies with the employer or employee; the steps the Department takes to rectify such situations; and if he will make a statement on the matter. [41843/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Department's Inspectorate, appointed under Section 250 of the Social Welfare (Consolidation) Act 2005, is responsible, inter alia, for ensuring that employers and self-employed people comply with the Act in relation to Pay Related Social Insurance (PRSI) contributions. Employer compliance, in this regard, is monitored through employer enquiries and inspections which include detailed examinations of employers' records to ensure that correct PRSI payments are being made in respect of all employees.

Where PRSI undercharges are confirmed, the Inspector sets out the PRSI arrears or underpayment in respect of each employee for each tax year and issues a demand to the employer for payment. Should the employer fail to respond satisfactorily, a statutory demand will issue by registered post and the employer given 14 days to respond. If the employer fails to respond, the case is considered for prosecution.

Employer enquiries on PRSI compliance can be referred either by a customer or by a Department official where irregularities on a customer's record are identified. Where an employee notifies the Department that his or her employer has not been remitting PRSI on their behalf, or where an irregularity in a customer's PRSI record is detected at claim processing stage, the case is referred to a Social Welfare Inspector to enquire into the matter.

The Department is committed to ensuring that employers comply with their statutory obligations, thereby ensuring that employees do not suffer a delay in securing any social welfare entitlements and contributions to the Social Insurance Fund are made in an accurate and timely manner.

228. **Deputy Joanna Tuffy** asked the Minister for Social Protection the reason rent allowance has been stopped in respect of a person (details supplied) in County Meath; if this decision can be urgently reviewed given that the person has supplied all the requested information; and if he will make a statement on the matter. [42016/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Health Service Executive (HSE) has advised that the person concerned has notified them that she no longer wishes to claim rent supplement in County Meath but does wish to make a claim for rent supplement in Dublin. The HSE has advised the person concerned to make an application for rent supplement to the community welfare officer in the area where she intends to reside.

Social Welfare Appeals

229. **Deputy Michael Ring** asked the Minister for Social Protection when an oral hearing will be held in respect of a person (details supplied) in County Mayo [42022/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The claim for disability allowance, by the person concerned, was disallowed by a Deciding Officer of the Department on 23 April 2010 following an assessment by a Medical Assessor who expressed the opinion that she was not medically suitable.

An appeal was opened on 30 June 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 assessment by another Medical Assessor will be carried out.

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.

Employment Support Services

230. **Deputy Joe Carey** asked the Minister for Social Protection the position regarding his plans to introduce a new social employment scheme; when full details of the scheme will be published; and if he will make a statement on the matter. [42024/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Activation and support for those who are unemployed is a key priority for Government. Earlier this year, the Taoiseach announced a number of changes to improve the delivery of employment, training and community services to the public by bringing together related responsibilities in these areas. These changes included the restructuring of Departmental responsibilities with the objective of providing a stream-lined response to the income support and job search needs of people who are unemployed.

In this context, my Department is devising proposals for the development of new initiatives based on the Rural Social Scheme and the Community Services Programme which will offer social employment opportunities. This new initiative will be an important element in the development and delivery of employment and community services and will aim to provide quality work opportunities to the unemployed and beneficial outcomes to the community. A

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key feature of the new scheme will be to provide a new activation route that will support unemployed people in remaining job-ready for re-entry to employment as the economic environment improves.

Considerable work is required on these proposals before they come on stream and take their place within the suite of activation measures aimed at supporting unemployed people. Details of the rollout of this initiative will be made available as soon as possible.

Social Welfare Appeals

231. **Deputy James Reilly** asked the Minister for Social Protection the length of time it will take for a person's (details supplied) application for domiciliary care allowance for an appeal oral hearing to be heard; if this application can be prioritised; and if he will make a statement on the matter. [42028/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case. The person concerned will be informed when arrangements have been made.

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.

232. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when oral hearing will take place in the case of a person (details supplied) in County Kildare in view of the fact that this matter is ongoing for some time; and if he will make a statement on the matter. [42033/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case. The person concerned will be informed when arrangements have been made.

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.

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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.

Social Welfare Benefits

233. **Deputy Róisín Shortall** asked the Minister for Social Protection the action he has taken to ensure that every tenant in receipt of rent supplement is registered for the rental accommodation scheme and is aware that the 30-hour rule in respect of when they take up employment is not applied in their circumstances. [42063/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The purpose of the rent supplement scheme is to provide short-term income support, to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source.

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There are currently over 96,200 tenants benefiting from a rent supplement payment — an increase of 61 per cent since the end of 2007. Over 44,500 have been in payment for 18 months or more. The rental accommodation scheme (RAS), which was introduced in 2004, gives local authorities specific responsibility for meeting the longer term housing needs of people receiving rent supplement for 18 months or more.

The Department, on a quarterly basis, advises local authorities through the Department of Environment, Heritage and Local Government of all tenants who have been in receipt of rent supplement for 18 months or more. It is then the responsibility of the local authority to determine whether a person is eligible for accommodation under the rental accommodation scheme. Any person taking up an employment or training opportunity is advised of their entitlements by the community welfare service.

234. **Deputy Róisín Shortall** asked the Minister for Social Protection the rules applying in relation to the total number of refusals of a rental accommodation scheme or other social housing accommodation a tenant on rent supplement is allowed before rent supplement is refused, suspended or withdrawn [42068/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): It is a condition of any applicant's entitlement to a rent supplement that s/he has not refused to accept, within any continuous 12 month period commencing on or after 27 July 2009, a second offer of accommodation, provided by either a housing authority (including accommodation offered under the Rental Accommodation Scheme) or any body approved by the Minister for the Environment, Heritage and Local Government for the purposes of Section 6 of the Housing (Miscellaneous Provisions) Act, 1992 (No. 18 of 1992) i.e. the Capital Assistance Housing scheme. Where the Health Service Executive (HSE) is notified that an applicant has refused a second offer of accommodation within a 12 month period, the HSE is obliged to cease payment of rent supplement for a period of 12 months from the date of refusal. On the expiry of the 12 month period it will be open to the applicant to re-apply for rent supplement subject to the normal qualifying conditions. A full assessment of housing need will be required by the relevant local authority before rent supplement will be considered.

Departmental Staff

235. **Deputy Róisín Shortall** asked the Minister for Social Protection the number of persons in his Department who availed of the incentivised career break arrangements and the net savings to the Exchequer of the initiative [42090/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): A total of 55 people in my Department availed of incentivised career break arrangements.

However, as all of these people were replaced by way of redeployment of surplus staff from other Departments to take account of the significant increase in the Live Register, it is not possible to measure the net savings to the Exchequer.

Departmental Agencies

236. **Deputy Brian Hayes** asked the Minister for Tourism, Culture and Sport the total Exchequer funding provided to Tourism Ireland and Fáilte Ireland each year since 2000 to date in 2010; and if she will make a statement on the matter. [41759/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): The levels of exchequer funding provided by my Department to Tourism Ireland, Fáilte Ireland and all other agencies under the aegis of my Department are outlined in detail in the Revised Estimates Volumes and Appropriation Accounts for each year.

The following table outlines the total provided to Tourism Ireland each year since 2002, when my Department was established as the Department of Arts, Sport and Tourism. Details of funding to Fáilte Ireland are included from 2004, the first full year in which funding was provided to Fáilte Ireland following its establishment.

The Deputy will be aware that, as a North/South body, Tourism Ireland also receives funding from the Northern Ireland Department of Enterprise, Trade and Investment for the promotion of the island of Ireland as a destination, under an agreed formula.

The table also outlines funding provided under the Tourism Marketing Fund. The Tourism Marketing Fund supports the marketing of the island of Ireland as a destination by Tourism Ireland overseas as well as regional and niche product marketing by Fáilte Ireland.

Year	Fáilte Ireland	Tourism Ireland Ltd	Tourism Marketing Fund
	€000	€000	€000
2002		16,197	25,890
2003		15,761	30,420
2004	62,088	16,619	31,485
2005	70,400	17,500	35,795
2006	84,457	18,737	40,000
2007	88,646	19,600	45,000
2008	97,394	19,954	50,000
2009	82,305	18,970	47,250
2010*	89,299	18,740	44,250

*As allocated in the Estimates for 2010.

Garda Vetting

237. **Deputy Maureen O'Sullivan** asked the Minister for Tourism, Culture and Sport the reason a registered organisation (details supplied) must go through the Sports Council to receive Garda vetting [41989/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): The Irish Sports Council (ISC), which is funded by my Department, is the statutory body responsible for the promotion, development and coordination of sport which includes responsibility for dealing with the recognised sporting organisations and allocation of funding to same. The ISC was established on a statutory basis on 1st July, 1999, and the functions of the Council are outlined in Section 6 of the Irish Sports Council Act 1999.

This includes recognition, for purposes of funding or for any other reason, of any sporting or recreational activity, including dealing with sporting organisations and allocation of funding to same. All recognised National Governing Bodies of Sport (NGBs) now have access to Garda vetting through the Irish Sports Council. The organisation in question is not a recognised as a National Governing Body of Sport by the ISC.

Art Collections

238. **Deputy Mary Upton** asked the Minister for Tourism, Culture and Sport if she will give

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an assurance that the art collection located in Allied Irish Bank will not be sold; her views that since the State is a major shareholder in Allied Irish Bank it is only appropriate that this shareholder should be consulted on the future of the art collection; if she considers it appropriate that since this collection is effectively owned by the State that it should be available for viewing by the general public; the action she plans to take to ensure that the collection is made available for public viewing; and if she will make a statement on the matter. [42025/10]

239. **Deputy Mary Upton** asked the Minister for Tourism, Culture and Sport if she will provide an inventory of the art collection currently held by Allied Irish Bank; if she will provide an estimate of the value of the art collection; and if she will make a statement on the matter. [42027/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): I propose to take Question Nos. 238 and 239 together.

I am advised by my colleague, the Minister for Finance, that the State, at present, holds, through the National Pensions Reserve Fund, some 18% of the ordinary equity in Allied Irish Bank. The day to day management of the Bank will remain on a normal commercial basis and the management of assets by Allied Irish Banks, including the holding or displaying of artworks, will remain a matter for the board of the bank.

Allied Irish Bank has been a great supporter of contemporary Irish artists over the last thirty years. It has, I believe, the most important corporate holdings of contemporary works of Irish art in this country. I would be a shame if this collection was broken up.

I am hugely concerned that the sale of the Bank of Ireland collection would depress an already troubled market place for contemporary Irish art practice. I pointed this out to the Bank of Ireland and, emphasised the deflationary and displacement impact which the sale of a significant body of contemporary art will have on the market here and, in particular, on emerging artists. In response, the Bank has donated a number of significant works from its collection to the State.

I understand that the AIB Art collection is described as a ‘working’ collection and pieces are located at offices and branches across Ireland and in AIB international offices. AIB operates an active policy of lending pieces, on request, to galleries across Ireland for exhibitions. In the last two years, it has stepped up this lending programme, which it intends to continue with the objective of bringing the collection to a wider audience and supporting the arts in the communities. I have now written to the Executive Chairman of A.I.B., asking that any pressure to dispose of its collection be resisted.

Departmental Staff

240. **Deputy Róisín Shortall** asked the Minister for Tourism, Culture and Sport the number of persons in her Department who availed of the incentivised career break arrangements and the net savings to the Exchequer of the initiative [42092/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): No staff in my Department availed of the incentivised career break arrangements announced in 2009. Hence there were no savings to the Exchequer from this Department as a result of the initiative.

Social and Affordable Housing

241. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if he will support a matter (details supplied) [41739/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I refer to the reply to Questions Nos. 341 and 343 of 9 November 2010 which sets out the position in regard to access to housing supports.

Planning Issues

242. **Deputy Michael Creed** asked the Minister for the Environment, Heritage and Local Government his proposals to amend the current retail planning guidelines; and if he will make a statement on the matter. [41745/10]

250. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government the present position regarding his Department's review of the retail planning guidelines; when he expects this process to be completed; when the new guidelines will be published; and if he will make a statement on the matter. [41833/10]

Minister of State at the Department of Environment, Heritage and Local Government (Deputy Ciarán Cuffe): I propose to take Questions Nos. 242 and 250 together.

I refer to the reply to Question No. 199 of 14 October 2010 which sets out the position in this matter.

243. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government if he will confirm, with particular regard to relevant case law (details supplied), that an architect who is eligible for registration in accordance with section 14(2)(b) of the Building Control Act 2007, is not obliged, once so registered, to remain a member of the relevant body in order to remain named on the register of architects [41779/10]

244. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government his plans to amend the Building Control Act 2007 to take cognisance of a newly created category of architect (details supplied) and the impact that category has on Section 14(4) of the Act; if so, the further amendments he envisages making to the Act; and if he will make a statement on the matter. [41780/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Question Nos. 243 and 244 together.

Part 3 of the Building Control Act 2007 sets out the detailed requirements for registration of the title of "Architect". The Royal Institute of the Architects of Ireland (RIAI) is designated as the registration body under the Act. Membership of the RIAI is not a prerequisite for registration. I have no plans to amend the Building Control Act 2007 at present.

Water and Sewerage Schemes

245. **Deputy Seán Power** asked the Minister for the Environment, Heritage and Local Government his plans concerning the Ballymore Eustace waste water treatment plant; and if he will make a statement on the matter. [41791/10]

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 Kildare. A contract for the Ballymore Eustace Wastewater Treatment Plant (SLI) is included in the Programme amongst the list of contracts in the county to start in the period 2010-2012.

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In April 2010, my Department gave approval to Kildare County Council to advance this scheme. It is now a matter for the Council to progress this scheme to construction.

246. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of sewerage facilities at Carrigaholt, County Clare; and if he will make a statement on the matter. [41797/10]

247. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of sewerage facilities at Broadford, County Clare; and if he will make a statement on the matter. [41799/10]

248. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government the position in relation to the development of the Ennis-Clarecastle main drainage scheme in County Clare; and if he will make a statement on the matter. [41800/10]

253. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government the position regarding a sewerage scheme (details supplied); and if he will make a statement on the matter. [42054/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Question Nos. 246 to 248, inclusive, and 253 together.

The Water Services Investment Programme 2010-2012, a copy of which is available in the Oireachtas Library, provides for the development of a comprehensive range of new water services infrastructure in County Clare. The Programme includes contracts under construction and to commence to the value of some €38 million in the county during the period of the Programme.

Phases 1 and 2 of the Ennis / Clarecastle Sewerage Scheme are included in the Programme to advance through planning over the course of the Programme. Last April my Department issued approval to Clare County Council to extend the brief of its consultants to review the Preliminary Report for the Scheme. This will allow the precise scope of the Scheme to be defined, taking cognisance of the Ennis and environs development plan. Any priority contracts which emerge through this process will be considered for inclusion for commencement under the new annual review process included for the first time in the Water Services Investment Programme 2010-2012.

However, it was not possible to include the Carrigaholt, Broadford and Doolin Sewerage Schemes amongst the priority contracts and schemes selected for inclusion in the Programme. The new Programme prioritises projects that target environmental compliance issues and support economic and employment growth as envisaged in the Government's policy document Building Ireland's Smart Economy — A Framework for Sustainable Economic Renewal. A key input to the development of the Programme was the assessment of needs prepared by local authorities, including Clare County Council, in response to my Department's request to the authorities in 2009 to review and prioritise their proposals for new capital works in their areas. These were subsequently appraised in the Department in the context of the funds available and key criteria that complemented those used by the authorities. Inevitably, through this process, certain projects that had been proposed had to give way to others that are more strategically important at this time.

Noise Pollution

249. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to any local authorities who are in breach of the environmental noise regulations 2006; the progress made towards the implementation of a noise action plan regarding the south city link road, N27; if he will confirm that Cork City Council is in conformity with the noise regulations in regard to the N27; and if he will make a statement on the matter. [41816/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Environmental Noise Regulations 2006 give effect in Ireland to EU Directive 2002/49/EC relating to the assessment and management of environmental noise. The Environmental Protection Agency (EPA) is designated as the National Authority for the purpose of the Regulations. The Agency's role includes supervisory, advisory and coordination functions in relation to noise-mapping, action planning, and fulfilling reporting requirements.

The Directive and Regulations provide for a two-stage approach to the assessment and management of environmental noise, and the preparation of strategic noise maps for areas and infrastructure falling within defined criteria, e.g. large agglomerations, major roads, railways and airports. Responsibility for the preparation of such maps lies with the designated noise-mapping bodies, i.e., the relevant local authorities, Dublin Airport Authority, the National Roads Authority, Iarnród Éireann and the Railway Procurement Agency. Based on the results of the mapping process, the designated action planning authorities, i.e. the local authorities are required to prepare noise action plans for their functional areas. Both the noise maps and noise action plans are required to be reviewed at least every 5 years with the next reviews scheduled for 2012 and 2013 respectively.

In relation to the implementation of the Environmental Noise Regulations 2006, the EPA has informed my Department that the following County Councils have submitted draft noise action plans, but have yet to submit finalised plans to the Agency, following the completion of public consultation:

- Galway County Council,
- Laois County Council,
- Sligo County Council,
- Wexford County Council, and
- Wicklow County Council.

The EPA has issued a notice to the above County Councils under Section 63 of the Environmental Protection Agency Act 1992, requesting that they submit finalised noise action plans.

Cork City Council has submitted its finalised Noise Action Plan to the Agency. Assessment of progress made in relation to the implementation of the plan will form part of the review due in 2013. The Council is required, as per the provisions of Regulation 11(7) of the Environmental Noise Regulations 2006, to review, and if necessary, revise an action plan in the event of a material change in environmental noise in the area concerned, if requested by the Agency, or every five years as indicated above.

Question No. 250 answered with Question No. 242.

Planning Issues

251. **Deputy Seán Ó Fearghaíl** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Questions Nos. 207 and 215 of 3 November 2010, if, in accordance with best practice which he would wish local authorities to pursue, local authorities should consult with their elected members on the compilation of a draft development levy scheme, thereby identifying the parameters and objectives which the members ultimately wish incorporate into a scheme, and having regard to the need to ensure that an effective co-ordinated and appropriate development levy scheme is eventually adopted by each planning authority; and if he will make a statement on the matter. [41856/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): As stated in the reply to Questions Nos. 207 and 215 of 3 November 2010 the adoption of individual development contribution schemes is a reserved function of the locally elected members of each planning authority. The publication of a draft development contribution scheme is an executive function of the local authority, and they are best placed to decide on the procedural arrangements that should inform that process.

It is open to the elected members to amend a draft scheme when it is referred to them for their consideration and adoption.

Local Authority Funding

252. **Deputy Michael D. Higgins** asked the Minister for the Environment, Heritage and Local Government the situation following a proposal made by Irish hotels to introduce a 30% waiver on rates due on hotels and guest houses particularly given the slowness of revaluation of properties under the Valuation Act 2001; his views of this scheme; and if he will make a statement on the matter. [42021/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes in accordance with the details entered in the valuation lists prepared by the independent Commissioner of Valuation under the Valuation Act 2001. The levying and collection of rates are matters for each individual local authority.

Under section 2 of the Local Government (Rates) Act 1970, a local authority may make a scheme providing for a waiver of some or all of the rates due by certain ratepayers. Any such scheme requires the consent of the Minister for the Environment, Heritage and Local Government. I have not received any proposal from a local authority for a waiver scheme in respect of the hotel sector.

However, I have urged local authorities to exercise restraint in setting the Annual Rate on Valuation (ARV) in this and previous years and they have responded positively in this regard. Across the 88 local authorities the average change of ARV from 2009 to 2010 shows a decrease of 0.62%. As part of a range of measures to aid economic recovery, I am clear on the need for continued reductions in commercial rates over the coming years.

Question No. 253 answered with Question No. 246.

Departmental Staff

254. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the number of persons in his Department who availed of the incentivised career break arrangements and the net savings to the Exchequer of the initiative [42085/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Some 36 staff in my Department availed of the incentivised career break scheme. Net savings to the Exchequer over the period 2009-2013 amounts to some €3.8m.

National Grid

255. **Deputy Brian Hayes** asked the Minister for Communications, Energy and Natural Resources the electricity consumption each month from April 2010 to date; and if he will make a statement on the matter. [41762/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): EirGrid plc, is the Irish transmission system operator and has a statutory responsibility for forecasting and reporting on supply and demand in the Irish electricity system.

EirGrid now publishes monthly electricity statistic reports on its website and this data, which includes details of monthly electricity demand, demand growth, peak demand and installed generation capacity, is readily accessible. The total consumption of electricity in Ireland by month from April 2010 to September 2010 as reported on its website is as follows:

Date	
April 2010	2.11
May 2010	2.08
June 2010	1.97
July 2010	2.02
August 2010	2.00
September 2010	2.04

The data above is given in Tera Watt hours, with a Tera Watt hour equal to a million Mega Watt Hours.

EirGrid recently presented its Winter Outlook Report for 2010/11, which examines the capability of the generation portfolio available to EirGrid and SONI to meet peak demands in Ireland and Northern Ireland between November 2010 and March 2011 inclusive. Overall, the analysis for the island from a security of supply perspective is positive with capacity meeting and indeed exceeding demand. This outlook is primarily due to the decline in demand and also due to the commissioning of new plants including Aghada and Whitegate.

EirGrid also publishes an annual Generation Adequacy Report, which sets out estimates of the demand for electricity in the following 7-year period, the likely production capacity that will be in place to meet this demand, and assesses the consequences in terms of the overall supply/demand balance.

In its most recent Generation Adequacy Report for the period 2010 to 2016, EirGrid highlighted that the change in the economic climate since 2008 has been reflected in a reduction in electricity demand. It also noted that this reduction in demand, coupled with the connection of new generation, improved generator availability, and increased interconnection, by 2012 means that there is adequate capacity to meet demand in accordance with system standards over the next seven years.

256. **Deputy Brian Hayes** asked the Minister for Communications, Energy and Natural Resources the number of residential disconnections from the national grid each month since January 2006 to date in 2010; the amount of these disconnections that result from unpaid arrears; and if he will make a statement on the matter. [41763/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Under S.I 450 of 2010, the Commission for Energy Regulation (CER) has been granted a new statutory function in relation to monitoring and reporting on electricity retail markets, including disconnections. The CER has advised that it has not been able to provide the detailed breakdown of information requested by the Deputy in the timeframe for responding to this Parliamentary Question. I have therefore requested that the CER provide these figures directly to the Deputy, once they are available.

In the interim, the CER has provided the information set out below in relation to the total number of disconnections completed by ESB Networks on site for Non-Payment of Account:

Year	No. of Disconnections
2006	5,538
2007	10,921
2008	10,986
2009	9,709
2010 — to October 2010	16,492

The increased rate of disconnections is a concern for the Government, the CER and energy suppliers. The key message for customers is to contact their suppliers to make arrangements before it gets to the point of disconnection. All energy suppliers have a Code of Practice in place setting out the steps to be taken before initiating a disconnection. These Codes of Practice require the suppliers to engage with the customer and /or a third party such as Money Advise and Budgeting Service (MABS) or St. Vincent De Paul on pre-payment plans and /or alternative methods of payment (prepayment meters/budget controllers).

Prior to disconnections the suppliers must give a minimum of seven days notice, to the customer of its intention to request a disconnection to be carried out by the network operators and the associated costs. A supplier may not request the disconnection of a customer who has entered into a payment plan and is honouring that arrangement. There are also protections in the current code for vulnerable customers, for example, to prohibit electricity suppliers disconnecting elderly customers in the winter months.

The CER has recently published a review of the regulated policy on disconnection (for non-payment of account), in the context of improved customer protection. CER also provides a dedicated Energy Customers website and Energy Customer Team which provides consumer information on the electricity and gas market at www.energycustomers.ie/

Some 380,000 domestic customers are recipients of either the free electricity allowance (340,000 households) or the free gas allowance (40,000 households) under the Department for Social Protection — Household Benefits package. The free electricity allowance pays the standing charge and 2,400 free units of electricity per year, minimising or eliminating bills for these consumers. The Minister for Social Protection has recently announced that this scheme will also cover the cost of the PSO Levy. An additional 340,000 customers also receive Fuel Allowance payments (currently €20 per week) to help with home heating costs for 32 weeks from Sept. to end of April. Therefore, over 20% of domestic electricity customers in Ireland are in receipt of some form of direct financial support for their energy costs through the Department for Social Protection, even taking into account the fact that there is some overlap between these schemes (i.e. 142,000 people receive both the Household Benefits package and the fuel allowance payments). Local Community Welfare Officers can also provide exceptional needs payments which can include support for energy bills and also heating supplement if the applicant meets certain criteria.

The Government through the Sustainable Energy Authority of Ireland (SEAI) has committed to funding to a number of schemes available to consumers and businesses to enable them reduce their electricity bills by increasing their energy efficiency. For example, the Warmer Home Scheme (WHS) was established to address the poor thermal efficiency performance of low-income housing. The scheme provides attic insulation, draught proofing, lagging jackets, and energy efficient light, cavity wall insulation and energy advice at no cost to eligible households. The scheme is targeted at households who are in receipt of the Fuel Allowance Scheme and Disability Allowance.

Warmer Homes Scheme

257. **Deputy Joanna Tuffy** asked the Minister for Communications, Energy and Natural Resources the number of homes that have availed of the warmer homes scheme in County Meath since the commencement of the scheme; the level of funding of the warmer homes scheme in County Meath; and if he will make a statement on the matter. [41790/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Warmer Homes Scheme (WHS), which is administered by the Sustainable Energy Authority of Ireland (SEAI) on behalf of my Department, provides energy efficiency improvements to homes in, or at risk of, fuel poverty and is primarily delivered by 28 community based organisations (CBOs). The CBOs work in partnership with their local network of poverty and community support organisations including public health nurses, MABS and the Society of Saint Vincent de Paul to identify and address vulnerable homes. Through this devolved model, each CBO is responsible for managing the applications in their own operational areas. Private contractors are also engaged to supplement CBO coverage and capacity in order to address the increasing demand for the scheme. The SEAI is therefore not directly involved in the application process but oversees and monitors the implementation of the scheme including audit of projects.

Through these mechanisms the WHS was delivered to 16,240 homes in 2009 including 851 homes in County Meath. To date in 2010 the WHS has been delivered to 18,387 homes including 190 homes in County Meath. There is no preset amount of funding allocated to individual counties under the WHS. The Scheme is a national scheme with an overall funding envelope responding to annual budget demand which varies on a county by county basis and can also vary year on year as between counties. The budget allocation for the WHS is €29.9 million for 2010.

Telecommunications Services

258. **Deputy Jimmy Deenihan** asked the Minister for Communications, Energy and Natural Resources when the national broadband scheme rollout will be complete for County Galway; and if he will make a statement on the matter. [41820/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Under the terms of the National Broadband Scheme (NBS) contract, the NBS Service Provider, 3, is obliged to establish the infrastructure and make the specified NBS services available to fixed businesses and residences within the NBS Coverage Area. The rollout of the provision of NBS services advanced incrementally over a 22-month period and was completed in October 2010.

In line with the NBS contract, broadband services are now available to all premises within each of the 1,028 designated NBS Electoral Divisions (ED), including those in County Galway. A list of the EDs covered in County Galway is set out as follows. As part of its commitment

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to deliver a total of 389 NBS sites, 5 sites in County Galway remain to be constructed and integrated into 3's NBS network.

National Broadband Scheme (NBS)

Electoral Divisions (ED) Covered by the NBS in County Galway

ED Name	ED Reference No.
ABBEYGORMACAN ED	67003
ABBEYVILLE ED	67004
ADDERGOOLE ED	67005
AHASCRAUGH ED	67006
AILLE ED	67007
BALLYCAHALAN ED	67022
BALLYGLASS ED	67023
BALLYMACWARD ED	67024
BALLYNAGAR ED	67027
BALLYNAKILL ED	67028
BEAGHMORE ED	67034
BELCLARE ED	67035
BENCORR ED	67037
BOYOUNAGH ED	67038
BRACKLAGH ED	67039
BULLAUN ED	67040
BUNOWEN ED	67041
CAHERMORE ED	67042
CAMUS ED	67044
CAPPALUSK ED	67045
CAPPARD ED	67046
CARROWNAGUR ED	67049
CARROWREVAGH ED	67050
CLARETUAM ED	67056
CLEGGAN ED	67058
CLIFDEN ED	67059
CLONBERN ED	67060
CLONTUSKERT ED	67063
CLOONBUR ED	67064
CLOONKEEN ED	67066
CLOONKEEN ED	67067
COLMANSTOWN ED	67068
CONG ED	67069
COOS ED	67071
CREGGS ED	67073
CUR ED	67076
CURRAGHMORE ED	67077
CUSHKILLARY ED	67078
DERREW ED	67080
DERRYGLASSAUN ED	67082
DOONBALLY ED	67086

ED Name	ED Reference No.
DOONLOUGHAN ED	67087
DRUMKEARY ED	67090
DRUMMIN ED	67091
EYRECOURT ED	67095
FOXHALL ED	67096
GORUMNA ED	67102
GRANGE ED	67104
HILLSBROOK ED	67107
ILLION ED	67108
INISHMORE ED	67110
ISLAND ED	67111
KILBENNAN ED	67114
KILCHREEST ED	67115
KILCONIERIN ED	67117
KILCOONA ED	67119
KILCROAN ED	67120
KILCUMMIN ED	67121
KILCUMMIN ED	67122
KILLAAN ED	67123
KILLALLAGHTAN ED	67124
KILLEEN ED	67128
KILLIAN ED	67132
KILLIMOR ED	67133
KILLIMOR ED	67134
KILLINNY ED	67135
KILLORAN ED	67137
KILLOWER ED	67138
KILLURSA ED	67140
KILMEEN ED	67143
KILQUAIN ED	67145
KILREEKILL ED	67146
KILSHANVY ED	67147
KILTHOMAS ED	67150
KILTORMER ED	67151
KILTULLAGH ED	67152
KILTULLAGH ED	67153
KNOCKBOY ED	67155
LAURENCETOWN ED	67159
LEITRIM ED	67160
LETTERBRICKAUN ED	67161
LETTERFORE ED	67162
LETTERMORE ED	67163
LEVALLY ED	67164
LOUGHATORICK ED	67168
MARBLEHILL ED	67171
MILLTOWN ED	67173
MOAT ED	67174
MOUNTAIN ED	67177

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ED Name	ED Reference No.
MOUNTHAZEL ED	67178
MOYRUS ED	67182
OATFIELD ED	67183
OWENGOWLA ED	67186
PALLAS ED	67187
PORTUMNA ED	67188
RAFORD ED	67189
RAHEEN ED	67191
RINVYLE ED	67192
ROSS ED	67193
ROUNDSTONE ED	67194
SCREGG ED	67196
SELERNA ED	67197
SHANKILL ED	67198
SILLERNA ED	67199
TEMPLETGHER ED	67206
TIAQUIN ED	67207
TOBERADOSH ED	67209
TOBERROE ED	67210
TURLOUGH ED	67214
TYNAGH ED	67215
WOODFORD ED	67216

Telecommunications Services

259. **Deputy Dinny McGinley** asked the Minister for Communications, Energy and Natural Resources if he will consider introducing a second phase of the national broadband scheme as a matter of urgency to ensure that all remaining areas in Donegal receive mobile Internet broadband coverage and that both ERNACT and ISD in Donegal County Council have a recognised input into the project; and if he will make a statement on the matter. [41852/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The provision of telecommunications services, including broadband services, is a matter for private sector service providers operating in a liberalised market regulated by the Commission for Communications Regulation (ComReg). Broadband services are provided by private service providers over various platforms including DSL (i.e. over telephone lines), fixed wireless, mobile, cable, fibre and satellite. ComReg's website www.callcosts.ie provides detailed information on the various private sector telecommunications products and services available on a county by county basis, including County Donegal.

In cases of market failure the Government will intervene, where it is appropriate and possible to do so. The National Broadband Scheme (NBS) represents such an intervention.

EU State Aid and competition rules govern how states can intervene in areas where there are existing service providers operating. Accordingly, the NBS is prohibited from providing a service in served areas where to do so would give rise to an unacceptable level of market distortion.

In determining the Electoral Divisions ("ED") to be covered by the NBS, my Department conducted a detailed mapping exercise in 2008 of the levels of broadband coverage existing

throughout the country at that time. The coverage analysis determined that of the 149 EDs within County Donegal, 52 were eligible for inclusion in the NBS on the basis of insufficient broadband coverage. The remaining EDs in County Donegal were excluded from the Scheme because it was found that a number of broadband suppliers were already active in these areas.

The rollout of the provision of broadband services under the NBS advanced incrementally over a 22 month period and NBS services are now available throughout the NBS coverage area.

However, despite Government and private investment in broadband, I am aware that there continues to be a small number of individual premises throughout the country that are not capable of receiving broadband services. This is primarily due to technical and other reasons (suitability of a telephone line, distance from an enabled exchange, no line of sight etc.)

The European Commission has set aside a portion of the European Economic Recovery Programme (EERP) funding for rural broadband initiatives. Using this funding, which will be augmented by an Exchequer contribution, I intend to formally launch a Rural Broadband Scheme shortly. This scheme will aim to provide a basic broadband service to individual unserved rural premises outside of the NBS areas.

Information in relation to acceptance of applications and the process of qualification under the scheme will be made available in due course when the scheme is launched.

260. **Deputy Johnny Brady** asked the Minister for Communications, Energy and Natural Resources given that significant information and other services is provided via internet sites to both the public and as well as to staff, the processes, standards or recommendations in place to ensure that the design, development and maintenance of all such sites consistently complies with legislative requirements, technical standards and industry best practice in terms of data protection, security, accessibility and usability [41994/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I assume that this Question applies to information provided over the internet by my Department. The Department has developed and maintain a number of applications that support internal business and provide information to the wider community through Internet sites.

All of these applications were built using standards and practices developed within the Information Systems Division of my Department, which have incorporated best practice as it has developed.

These standards reflect international best practice including reference to the Web Content Accessibility Guidelines, the use of multi layered architectures and encryption where appropriate to secure personal information. No application is deployed until it has been subjected to a penetration test by an independent security specialist.

The accessibility and usability of the applications is ensured by the use of a Common Interface Design Framework (CIDF) developed by my Department to standardise design and development of user interfaces.

261. **Deputy Johnny Brady** asked the Minister for Communications, Energy and Natural Resources given that the Programme for Government challenges us to build a productive, smart economy in order to create new jobs, many of which will be building the communications infrastructure and internet of tomorrow, the way he plans to develop and support the increasing focus on quality and standards that is needed to compete internationally against low-cost competitors [41997/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Government policy pertaining to the electronic communications market in Ireland is set out in “Next Generation Broadband — Gateway to a Knowledge Ireland”, which I published in June 2009. The policy paper was developed in accordance with various key principles, which are crucial to the development of the market including (i) competition, at platform and service levels, which drives innovation and investment (ii) investment certainty for service providers considering investing in network infrastructure, (iii) investment intervention by Government to bridge any digital divide in cases of market failure and to meet certain of the State’s own communication needs, and (iv) appropriate regulation. The policy paper sets out the Government’s position that investment in broadband infrastructure is primarily a matter for the private sector, facilitated, where appropriate and possible, by Government.

The policy has facilitated significant progress in broadband roll out and increasing broadband speeds over recent years. At the end of March 2007, for example, the number of broadband connections, at 600,000 approximately, first exceeded narrowband connections. At end June 2010, by comparison, Ireland had in the region of 1.48 million broadband subscriptions, narrowband connections had reduced to less than 5% of all Internet connections and of the homes with broadband access, 77.8% of them are using broadband speeds between 2mbps and 10mbps. This progress was achieved by a combination of competitive forces in the open market and Government and ERDF funded schemes such as the Metropolitan Areas Networks programme and the National Broadband Scheme. The latter schemes are designed to intervene where market failure has been identified. This approach is consistent with the EU Commission’s ‘Community Guidelines on State Aid rules for broadband networks’ (2009/C 235/04), which limit the circumstances in which the State can intervene in the broadband market.

I signalled last month that I have commenced the establishment of a Next Generation Broadband Taskforce, comprising industry, Government and ComReg, to consider how best to facilitate the roll out of next generation broadband in Ireland without compromising the competitive market principles and applicable EU rules.

Inland Fisheries

262. **Deputy Brian O’Shea** asked the Minister for Communications, Energy and Natural Resources the number of members of the board of Inland Fisheries Ireland who come from an angling background; the number of members who come from a commercial salmon background; and if he will make a statement on the matter. [42057/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Section 12(5) of the Inland Fisheries Act 2010 (No 10 of 2010) provides for twelve areas of experience from which the nine members of the Board of Inland Fisheries Ireland (IFI) shall be drawn, including business, commercial affairs, environment and biodiversity, aquaculture, fisheries ownership etc. The Act makes clear that members of the Board are appointed with a view to representing the public interest in respect of inland fisheries. In accordance with the Code of Practice for the Governance of State Bodies they will share collective responsibility and authority of the Board.

In accordance with the provisions of section 12 of the Act, I, as Minister, appointed the Chairman and two others on my own nomination, two were appointed on the nomination of the Ministers for the Environment, Heritage and Local Government and the then Community, Rural and Gaeltacht Affairs. The fifth member was appointed to the Board, in accordance with the statute, to represent staff on a temporary basis pending the outcome of the election of the staff representative. The other three are being appointed on the nomination of the Joint Oireachtas Committee.

The Deputy will be aware that I appointed the first six members to the Board of Inland Fisheries Ireland on its establishment in July 2010.

These members of the Board have a range of expertise relevant to the remit of IFI. One has a background and interest in fishing and fish farming and was a member of the former North Western Regional Fisheries Board. Another member has a background in business, environmental issues, is a part time farmer and has an interest in angling. A third member has run successful angling tourism business and was a member, and subsequently Chairman of the former Western Regional Fisheries Board. A fourth member is an expert in environmental matters including invasive species. The fifth member appointed, has a strong business background and is the managing director of a company providing technical management training in areas such as environmental and project management. The sixth member is the temporary staff representative and a full-time union official. Section 12 of the Act also provides for the appointment of 3 members nominated by the Joint Oireachtas Committee. The Committee, through the Public Appointments Service, sought expressions of interest for the three positions from individuals who had recognised expertise or a track record in one or more of the areas set out in the Act. On 20 October I received the nominations of the Joint Oireachtas Committee for Communications, Energy and Natural Resources and arrangements are underway to make these appointments.

Departmental Staff

263. **Deputy Róisín Shortall** asked the Minister for Communications, Energy and Natural Resources the number of persons in his Department who availed of the incentivised career break arrangements and the net savings to the Exchequer of the initiative [42080/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): A total of 7 staff members in my Department have availed of the 3-year incentivised career break scheme introduced in 2009. The net savings to the Exchequer of this initiative, over the three year period of the scheme, amount to €748,878.

Grant Payments

264. **Deputy Beverley Flynn** asked the Minister for Agriculture, Fisheries and Food if a person (details supplied) who has inherited a farm and who has been appointed keeper of records is entitled to receive payment under the single payment scheme or have they to wait until probate is granted and the land goes through the Land Registry [41742/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application was received requesting the transfer of 27.65 Single Payment entitlements to the person named from his late uncle. As the person named is not the owner of a herd-number it is not possible to process the requested transfer and consequently payment has not issued.

The person named has applied to my Department's District Veterinary Office for the role of herd-owner but he has been advised that this will not issue until such time as Probate becomes available. Once the status of herd-owner has been allocated, the requested transfer of Single Payment entitlements will be processed and payment will issue.

The Inheritance Enquiry Unit of my Department has communicated previously with the person named but further clarification can be obtained from that Unit if required. The unit can be contacted at Lo Call 1890 200 560.

265. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a transfer of entitlements application in respect of a person (details supplied) in County Mayo will be finalised [41806/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application was received on 5 February 2010 requesting the transfer of 38.73 Single Payment entitlements to the person named from her late husband. As the person named is not the owner of a herd-number, it is not possible to process the requested transfer and consequently payment has not issued.

The person named has applied to my Department's District Veterinary Office for the role of herd-owner but has been advised that this will not issue until such time as Probate becomes available. Once the status of herd-owner has been allocated, the requested transfer of Single Payment entitlements will be processed and payment will issue.

The Inheritance Enquiry Unit of my Department has communicated previously with the person named but further clarification can be obtained from that Unit if required. The Unit can be contacted at Lo Call 1890 200 560.

266. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their REP scheme 4 payment [41818/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): 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.

267. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food when payment of single farm payment scheme will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [41845/10]

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 13 May 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 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.

268. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food when payment of single farm payment scheme and area aid will be made in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [42048/10]

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 13 May 2010. This application was selected for and was the subject of a Ground Eligi-

bility 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 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.

Legislative Programme

269. **Deputy Joe Carey** asked the Minister for Agriculture, Fisheries and Food when he will publish the proposed Government amendments to the Greyhound Industry Act 1958; and if he will make a statement on the matter. [42050/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A Bill providing for the welfare of greyhounds is currently being drafted with a view to presentation in the current Dáil session.

Grant Payments

270. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 235 of 4 November 2010 when payment will issue to a person (details supplied); and if he will make a statement on the matter. [42061/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named registered 64 animals in the 2009 Suckler Welfare Scheme. The person named has received payment in respect of 59 animals, which were eligible for payment. A further 4 animals are ready for payment, which will issue shortly.

Departmental Staff

271. **Deputy Róisín Shortall** asked the Minister for Agriculture, Fisheries and Food the number of persons in his Department who availed of the incentivised career break arrangements and the net savings to the Exchequer of the initiative [42079/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A total of 52 people (46.8 full-time equivalents) availed of the incentivised career break scheme in my Department. The net saving to the Exchequer in respect of the uptake of the initiative in my Department is expected to be some €5m, calculated over the lifetime of the career breaks concerned.

Industrial Development

272. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of Industrial Development Agency site visits to Dungarvan, County Waterford, that have taken place in the past three years and to date in 2010; and if he will make a statement on the matter. [41783/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): I am informed by the IDA that there have been a total of five first time site visits by potential investors to Dungarvan from the beginning of 2007 to date in 2010. Details of the number of visits by year are set out in the attached tabular statement.

[Deputy Batt O’Keeffe.]

As part of its strategy to attract inward investment, IDA Ireland introduces a prospective client company to 3 or 4 selected locations/towns which can meet the company’s requirements for skills, labour, site and/or building(s), infrastructure, etc. In selecting locations to show companies, IDA Ireland seeks to include locations which have been affected by closures/job losses. While IDA Ireland seeks to influence the selection of location, the final decision on where to visit and where to locate is taken in all cases by the promoting company.

Table showing the number of visits to Dungarvan by potential investors in each of the years 2007, 2008, 2009 and to date in 2010

Year	Site Visits to Dungarvan
2007	1
2008	1
2009	1
2010	2

273. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of businesses in Dungarvan, County Waterford that have been approved for capital grants by the Industrial Development Agency in each of the past three years and to date in 2010; the amount of funding involved; the number of jobs created by this funding; and if he will make a statement on the matter. [41784/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): I am informed by the IDA that in the period 2007 and to date in 2010 no company has been approved in Dungarvan for capital grant assistance. Grants paid in a particular year do not necessarily refer to approvals in the same year as it is up to the individual company when they choose to drawn down the grant. Due to client confidentiality it is not possible to divulge details of grants paid to individual companies but I am happy to say that in the period from 2007 to 2010 Capital Grant payments to IDA supported companies in Waterford City and County amounted to €5,000,000.

The number of jobs created in an individual company resulting from a grant approval is confidential. However, the Forfás Annual Employment Survey reports on job gains and losses in companies that are supported by the industrial development agencies. Data is compiled on an annualized basis and is aggregated at county level. It is therefore not possible to provide information for individual locations throughout the country. The survey shows that in the three-year period, 2007 to 2009 inclusive, there were a total of 1,235 new jobs created in IDA supported companies in Waterford City and County. Details of the number of new jobs created in each of those years are set out in the attached tabular statement. Figures for 2010 are not yet available.

Table showing number of jobs created in Waterford City and County from 2007 to 2009

Year	Number
2007	183
2008	483
2009	569
Total	1,235

274. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of businesses in Dungarvan, County Waterford that have been approved for employment grants by the Industrial Development Agency in each of the past three years and to date in 2010; the amount of funding involved; the number of jobs created by this funding; and if he will make a statement on the matter. [41785/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): I have been informed by IDA that in the period 2007 to date in 2010 only one company has been approved in Dungarvan for Employment Grant Assistance. Grants paid in a particular year do not necessarily refer to approvals in the same year as it is up to the individual company when they choose to drawn down the grant. Due to client confidentiality it is not possible to divulge details of grants paid to individual companies but I am happy to say that in the period from 2007 to 2010 Employment grant payments to IDA supported companies in Waterford City and County amounted to €801,200.

The number of jobs created in an individual company resulting from a grant approval is confidential. However, the Forfás Annual Employment Survey reports on job gains and losses in companies that are supported by the industrial development agencies. Data is compiled on an annualized basis and is aggregated at county level. It is therefore not possible to provide information for individual locations throughout the country. The survey shows that in the three-year period, 2007 to 2009 inclusive, there were a total of 1,235 new jobs created in IDA supported companies in Waterford City and County. Details of the number of new jobs created in each of those years are set out in the tabular statement. Figures for 2010 are not yet available.

Table showing number of jobs created in Waterford City and County from 2007 to 2009

Year	Number
2007	183
2008	483
2009	569
Total	1,235

275. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of businesses in Dungarvan, County Waterford, that have been approved for funding by Enterprise Ireland in each of the past three years and to date in 2010; the amount of funding involved; the number of jobs created by this funding; and if he will make a statement on the matter. [41786/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): For reasons of confidentiality, the Enterprise Ireland funding approvals for any county are not broken down by city and county. Approvals and payments to client companies for County Waterford for each of the past 3 years and to date in 2010 are set out in the attached tabular statement.

Job creation data in respect of companies supported by Enterprise Ireland is collated by Forfás on an annual basis and accordingly data is not yet available for 2010. Jobs gains for 2007, 2008 and 2009 in Enterprise Ireland supported companies are set out in the attached tabular statement.

[Deputy Batt O’Keeffe.]

County Waterford approvals and payments to Enterprise Ireland clients

Year	Total Approvals	Total Payments
	€	€
2007	1,865,355	1,456,467
2008	7,845,001	2,030,768
2009	4,559,792	2,751,976
2010 at end October	1,830,380	4,920,138

Job Gains in Waterford in Enterprise Ireland supported companies

Year	2007	2008	2009
Gains	279	394	436

Departmental Agencies

276. **Deputy Róisín Shortall** asked the Minister for Enterprise, Trade and Innovation the company that holds the contract for arranging Industrial Development Agency travel; the way this contract was awarded and the duration of same [41804/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): I am informed by IDA that American Express Business Travel currently hold the contract to arrange travel for the Agencies located in Wilton Park House. Those agencies include IDA Ireland, Forfas, Science Foundation Ireland (SFI) and Sustainable Energy Authority Ireland (SEAI). The contract was awarded mid 2010 by IDA on behalf of these Agencies through a public procurement process and was advertised on the E-tenders website. The contract is for a period of 3 years from 1st July 2010 and may be extended for a further 2 years subject to a satisfactory performance review. In accordance with the terms of the original contract this contract is in the process of being assigned to Atlas Travel Services Ltd who will in the future act as American Express representatives in the Irish market.

Employment Support Services

277. **Deputy Joe Carey** asked the Minister for Enterprise, Trade and Innovation the present number of companies in County Clare that are in receipt of the employment subsidy scheme first call; and if he will make a statement on the matter. [41822/10]

278. **Deputy Joe Carey** asked the Minister for Enterprise, Trade and Innovation the present number of employees in County Clare that are subsidised by the employment subsidy scheme first call; and if he will make a statement on the matter. [41824/10]

279. **Deputy Joe Carey** asked the Minister for Enterprise, Trade and Innovation the reason the employment subsidy scheme first call did not facilitate the acceptance of additional information after the closing date; the number of companies in County Clare that were refused access to the scheme because of this clause; and if he will make a statement on the matter. [41827/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): I propose to take Question Nos. 277 to 279, inclusive, together.

Under the first call for the Employment Subsidy Scheme (ESS1), 24 companies in Co. Clare were approved for support. This resulted in 353 full time job subsidies and these companies committed to maintain 2,038 employees to 30 November 2010. Enterprise Ireland was the state agency tasked by Government with the management of all aspects of the Employment Subsidy Scheme. This was a competitive scheme and to ensure fairness and equity, the requirements for a complete application were clearly stated throughout the process. The public call for proposals had clear and unambiguous deadlines and failure to comply with any of the requirements resulted in an application being deemed incomplete. The rules of the Scheme as clearly set out at all stages did not allow any additional documentation to be submitted after the call close. The strict rules were applied to every application in the administration of the scheme. Under the first call for the Employment Subsidy Scheme (ESS1), three companies in Co. Clare had incomplete financial documentation accompanying their application and no further information was accepted in these three cases.

Job Creation

280. **Deputy Joe Carey** asked the Minister for Enterprise, Trade and Innovation the number of Industrial Development Agency visits that were made with potential industrialists in 2009 and to date in 2010 to County Clare; and if he will make a statement on the matter. [41828/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): I am informed by IDA Ireland that in the period from the beginning of 2009 to date in 2010, there have been 20 site visits by potential investors to County Clare, including the Shannon Free Zone, 10 in 2009 and 10 in 2010. In the same period there were 21 such visits to the Shannon Free Zone arranged by Shannon Development, 12 in 2009 and 9 to date in 2010.

281. **Deputy Joe Carey** asked the Minister for Enterprise, Trade and Innovation the plans he has to address the unemployment rate among young persons here; and if he will make a statement on the matter. [41851/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): Specific activation policies, or measures targeted at the unemployed are the responsibility of my colleague the Tánaiste and Minister for Education and Skills Ms. Mary Coughlan, through skills provision, employment programmes and work placements and questions relating to the specific programmes should be addressed to the Tánaiste and her Department. The role of my Department is to ensure that we have the right policies in place that will support and grow our enterprise base in order to facilitate both job creation and job retention.

The State Development agencies, Enterprise Ireland and IDA Ireland, and the County and City Enterprise Boards are continuing to drive and promote enterprise development, and consequently employment creation in our economy. IDA Ireland continues to market and promote Ireland for inward investment. Enterprise Ireland is actively focused on the creation of new jobs through supporting entrepreneurs setting up new high potential start-up companies, and the retention and creation of new jobs in existing companies. The agency also continues to work with community groups around the country to develop community enterprise centres designed to foster micro enterprises. The County and City Enterprise Boards support the micro enterprise sector — businesses with 10 employees or less — in the start-up and expansion phases and promotes entrepreneurship at local level.

Job creation is a key priority of Government policy. The Government is working on a multi-faceted approach focusing on enterprise development and job creation. In September, the Taoiseach launched the five-year integrated Government plan for trade, tourism and invest-

[Deputy Batt O’Keeffe.]

ment aimed at generating 300,000 jobs. The new plan, “Trading and Investing in a Smart Economy”, is the first integrated strategy to promote overseas trade, tourism and investment. With this new strategy, the Government aims to position Ireland for strong export-led growth to 2015, resulting in high levels of job creation. In addition to delivering programmes through the Enterprise Development Agencies, my Department also works across Government to ensure that Ireland regains competitiveness, including cost competitiveness, thus improving the business environment and enabling companies to successfully compete internationally and grow jobs.

Data Protection

282. **Deputy Johnny Brady** asked the Minister for Enterprise, Trade and Innovation given that significant information and other services are provided via Internet sites to both the public as well as to staff, the processes, standards or recommendations in place to ensure that the design, development and maintenance of all such sites consistently complies with legislative requirements, technical standards and industry best practice in terms of data protection, security, accessibility and usability [41992/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): My Department and its offices maintain a variety of websites providing advice and guidance to citizens and businesses alike.

Many of the sites, including the Department’s main site have been designed to in accordance with the World Wide Web Consortium (W3C) Web Content Accessibility Guidelines. Others have text-only versions to improve accessibility. Similarly many of these websites have privacy or legal statements as required by Data Protection or other legislation.

The security of these websites is very important to avoid the possibility of defacement, hacking or the distribution of malicious software. To this end external IT security experts are engaged to test the security of the sites, particularly those sites supporting on-line transactions, and to make recommendation for improvements as necessary.

In addition the format and content of all the Department’s websites is regularly reviewed. Where older websites are being refreshed, or new websites being developed, they are designed to ensure they comply with data protection and accessibility requirements. The ICT Unit of the Department highlights the importance of compliance with all relevant standards and work in this regard will continue.

Job Initiative

283. **Deputy Denis Naughten** asked the Minister for Enterprise, Trade and Innovation further to Parliamentary Question No. 93 of 1 June 2010, the progress made to date on obtaining an alternative employer; and if he will make a statement on the matter. [42073/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): I understand from Enterprise Ireland that, at this point in time, no active enquiries are known to the agency regarding the facility concerned. The agency will continue to be of assistance to the company concerned in finding a replacement business for the facility.

Departmental Staff

284. **Deputy Róisín Shortall** asked the Minister for Enterprise, Trade and Innovation the number of persons in his Department who availed of the incentivised career break arrangements and the net savings to the Exchequer of the initiative [42084/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): Thirty members (twenty seven full-time equivalents) of staff of my Department availed of the incentivised career break scheme. One staff member was subsequently allowed to return to work under the hardship provisions of the scheme and one resigned from the scheme. The net savings to the Exchequer over the term of the initiative will amount to approximately €2,208,000.00

Departmental Expenditure

285. **Deputy Michael McGrath** asked the Minister for Community, Equality and Gaeltacht Affairs the position regarding an application to the Charity Commissioners for consent to a letting (details supplied) [41778/10]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey): The Commissioners of Charitable Donations and Bequests for Ireland are appointed by the Government under the Charities Act 1961, with a mandate to provide services to trustees of charities and to carry out the intentions of persons making donations and bequests to charity.

While the Office of Commissioners is funded from my Department’s Vote Group, the Commissioners are independent in the exercise of their statutory duties and I have no statutory function in relation to these matters. However, my officials have made enquiries with the Office in relation to the application referred to by the Deputy and I understand that it is to be considered at a meeting of the Commissioners to be held next week.

286. **Deputy Catherine Byrne** asked the Minister for Community, Equality and Gaeltacht Affairs the way an organisation (details supplied) is funded; the way these funds are spent; the services it provides to the community; and if he will make a statement on the matter. [41841/10]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey): The organisation referred to by the Deputy has been allocated funding totalling €787,393 under the relevant programme in 2010. This funding covers the costs in relation to administration and the actions associated with the ongoing implementation of the programme and is broadly broken down as follows:

- Administration budget (covering wages and general operating costs) — €308,620
- Programme actions — €478,773

The Deputy will appreciate the constraints associated with responding to a ‘details supplied’ Question and, in the circumstances, I am arranging to have details of the actions and associated expenditure under the main programme goals forwarded directly to her.

Departmental Staff

287. **Deputy Róisín Shortall** asked the Minister for Community, Equality and Gaeltacht Affairs the number of persons in his Department who availed of the incentivised career break arrangements and the net savings to the Exchequer of the initiative [42081/10]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey): A total of eight staff in my Department have availed of the incentivised career break scheme that was introduced in 2009. The estimated saving (comprising salary foregone, less career break payment) is €243,875 per annum.

Defence Forces Recruitment

288. **Deputy Thomas P. Broughan** asked the Minister for Defence his plans for accepting new recruits to join the Air Corps as no new recruits have joined since 2006; and if he will make a statement on the matter. [41807/10]

Minister for Defence (Deputy Tony Killeen): Recruitment to the Permanent Defence Force was suspended in late 2008 pending a review of the best means by which to achieve the reduction of 3% in payroll costs that had been applied, in common with other areas of the public service, to the Defence Forces. On foot of the Government Decision on Public Service numbers, which took effect from 27 March 2009, no post in the Defence Forces, however arising, could be filled by recruitment, promotion or payment of an allowance for the performance of duties of a higher grade. The present position is that within the context of consolidating the public finances, the Government is focused firmly on maintaining the operational efficiency of the Permanent Defence Force. Government approval was secured in the context of Budget 2010 for a level of 10,000 all ranks. This reflects the reductions in personnel recommended in the Report of the Special Group on Public Service Numbers and Expenditure Programmes.

Targeted recruitment is being carried out in 2010 in order to maintain the operational capability of the Defence Forces. To this end, I approved the recruitment of 40 recruits to the Naval Service, limited recruitment to the Army and the intake of 30 Cadets from the Cadetship Competition 2010.

It is intended to enlist a recruit platoon of 40 successful candidates to each of the Eastern and Southern Brigades in December 2010. The enlistment selection process of two further platoons, one each to the Western Brigade and the Defence Forces Training Centre, is scheduled to follow on when this enlistment has taken place.

In regard to the Air Corps it is envisaged that following the forthcoming induction of 40 recruits to the 2 Eastern Brigade, a number of personnel will be assigned or transferred to the Air Corps as deemed appropriate at the time. The staffing levels of the Air Corps are constantly monitored and will continue to be monitored during 2011.

I intend, with the support of the Chief of Staff and within the resources available, to retain the capacity of the organisation to operate effectively across all roles while contributing to the necessary public service economies.

289. **Deputy Denis Naughten** asked the Minister for Defence the reason for the age limit for applying to become a member of the Defence Forces; in view of the removal of the age limit in the gardaí his plans for a similar policy change; and if he will make a statement on the matter. [42056/10]

Minister for Defence (Deputy Tony Killeen): The 2000 White Paper on Defence and the earlier Defence Force Review Implementation Plan both identified the requirement to address the age profile in the Defence Forces. The key element in military life is the need for personnel to maintain a level of fitness for combat readiness. This requirement must be balanced with the need to retain experience and expertise, particularly at managerial level in the Defence Forces.

The upper age limit for enlistment in the Army is under 25 years of age on the date of enlistment and for the Naval Service it is under 27 years of age on the date of enlistment. These limits are determined on the basis that the essential functions of the Permanent Defence Force requires that its members be composed of able-bodied personnel of an age which is commensurate with the functional requirements of the organisation.

While increasing the upper age may increase the quantity of suitable candidates, the Defence Forces are endeavouring to reduce the average age of serving personnel. Moreover, recruitment to the Defence Forces is heavily oversubscribed with excellent candidates so the current age requirements are not an impediment to recruitment. Other factors such as return on training investment must also be considered.

In order for the Defence Forces to adopt the same entry requirements in relation to age as the Garda Síochána, it would require the duties and tasks of both occupations to be comparable. This is not the case with the Defence Forces, An Garda Síochána and indeed other organisations such as the Fire Service having very different roles, and thus requirements for recruitment.

I am satisfied that the existing age requirements for recruitment to the Permanent Defence Force are appropriate and I do not propose to make any changes in this area at this time.

Departmental Expenditure

290. **Deputy David Stanton** asked the Minister for Defence the estimated cost of relocating the communications centre staff, IT, physical communications infrastructure at Parkgate Street to another premises; and if he will make a statement on the matter. [42070/10]

Minister for Defence (Deputy Tony Killeen): The Department of Defence building in Parkgate, Infirmary Road, has been vacated arising from the relocation of the Department to Newbridge, Co Kildare under the decentralisation programme. All of the Department of Defence Dublin based civil service staff plus the Chief of Staff and a number of other military personnel have relocated to Newbridge. The Office of Public Works is responsible for accommodating the personnel and facilities vacating the Parkgate building and for the subsequent occupation of the building by other organisations. The Defence Forces Communications Centre and associated military staff will remain in Parkgate until alternative accommodation and facilities are provided. Options are being examined in conjunction with OPW. The cost of re-location of the Communications Centre will depend on the option chosen and will become available in due course.

Decentralisation Programme

291. **Deputy David Stanton** asked the Minister for Defence regarding the decentralisation of his Department and the Defence Forces to Newbridge, the total cost to his Department of same including the provision of new equipment such as IT, telephones, staff training and so on and other moving expenses; and if he will make a statement on the matter. [42071/10]

Minister for Defence (Deputy Tony Killeen): The Department of Defence Dublin based civil service staff and a number of Defence Forces personnel have relocated to Newbridge, Co Kildare under the decentralisation programme. While a substantial part of the physical move took place over the weekend of 5 November 2010, the project has not yet been concluded in full. The Office of Public Works is responsible for the building. I am informed by the OPW that the anticipated overall cost will be €34m. This includes site acquisition, building construction and fit-out costs. These costs are borne on the Vote of the Office of Public Works. In addition, the Department and the Defence Forces have spent approximately €0.430m, to end of 2009, on the decentralisation project, mainly on information and communications and certain structural adjustments. Given that the project is currently being finalised, information on full costs incurred will not be available until the project is completed.

Departmental Staff

292. **Deputy Róisín Shortall** asked the Minister for Defence the number of persons in his Department who availed of the incentivised career break arrangements and the net savings to the Exchequer of the initiative [42082/10]

Minister for Defence (Deputy Tony Killeen): Eight members of staff of the Department availed of the Incentivised Career Break Scheme. The net savings for the period 2009-2012 based on present pay scales is €703,372. End of Take