



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 16 November 2010.

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TUAIRISC OIFIGIÚIL OFFICIAL REPORT

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Tuesday, 16 November 2010.

Chuaigh an Ceann Comhairle i gceannas ar 14.30 p.m.

Paidir.

Prayer.

Ceisteanna — Questions

Consultancy Contracts

1. **Deputy Enda Kenny** asked the Taoiseach if he will report on the recent work of the Committee in his Department that oversees the awarding of public relations contracts by Ministers; and if he will make a statement on the matter. [30254/10]

2. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if the group established to oversee the awarding of public relations contracts by Ministers is still operating; and if he will make a statement on the matter. [32342/10]

3. **Deputy Eamon Gilmore** asked the Taoiseach if he will report on the supervision by his Department of the awarding of public relations contracts by other Ministers, arising from the recommendations of the Quigley Report; and if he will make a statement on the matter. [35871/10]

The Taoiseach: I propose to take Questions Nos. 1 to 3, inclusive, together.

The Quigley report, which was published in 2005, highlighted the need for special care in cases where a proposed consultancy comprises an element of direct service to a Minister or

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Minister of State, particularly in the public relations or communications area, and-or where a Minister or a Minister of State suggests the name of a person or enterprise as being suitable. Following publication of the Quigley report, additional guidelines to be followed in such cases were approved by the Government and are published on the Department's website. The guidelines were brought to the attention of all Secretaries General, who were asked to implement them and to bring them in future to the attention of all newly-appointed Ministers, and Ministers of State where relevant, in their Department or office.

There is no special committee in my Department to oversee the awarding of public relations contracts by Ministers. Any workload arising from the application of these additional guidelines is handled within existing resources in the Government secretariat.

Deputy Enda Kenny: The July 2008 statement by the Minister for Finance indicated that all expenditure by Departments and agencies on consultancies, advertising and public relations would be reduced for the remainder of that year and by at least 50% in 2009. I note from the Taoiseach's departmental Estimates that consultancies went up from just over €3,000 in 2009 to €70,000 in 2010. Given the Department of Finance's commitment to cut public relations and consultancies, what was the money used for this year?

The Taoiseach: If the Deputy tables a question I will have the direct answer for him. The question put asked me to report on the recent work of a committee in the Department that oversees the awarding of public relations contracts. I am not aware of the issue that he refers to but we can check it out.

Deputy Enda Kenny: There are three questions. The question from Deputy Gilmore refers to the supervision by the Taoiseach's Department of public relations contracts. Radio advertisements were placed last year by the Minister for the Environment, Heritage and Local Government notifying the public about areas of special protection in coastal areas in Dublin. This cost the taxpayer €23,000. This was only one of several media campaigns as part of which the Minister's Department spent over €3 million in 2009 alone. Were these contracts of the Minister for the Environment, Heritage and Local Government approved by the public relations contracts committee? Was there any evaluation of the value and impact of the campaigns? What evaluations were carried out by the public relations contracts committee following the public relations campaign?

The Taoiseach: As I indicated to the Deputy, that is not its role and there is no committee in existence which deals with that issue. This relates to the Quigley report which arose from the need to provide some extra guidelines for Ministers and their Ministers of State in respect of the public relations or communications area where a Minister or Minister of State might suggest the name of a person or enterprise as being suitable. This was the specific issue dealt with by that committee. Where a Department proposes to engage consultants, the fact would only be brought to my attention where there is an element of direct service to a Minister, especially in a public relations or communications area, and where the Minister has suggested the name of a person or enterprise as being suitable. If these criteria are not applicable, then there is no need for my approval or for referral to the Government secretariat.

Deputy Enda Kenny: Is there a public relations contracts committee in existence or is this a free-for-all? I understood there was a committee which dealt with contracts to be awarded to public relations companies by Ministers or their Departments. I made the point previously that the House has been vacated by Government for major announcements; they have taken place everywhere but here. There is a Government information service which could deal with all of

these matters. Naturally, each Department wishes to play its part in putting its piece of the jigsaw in place. In view of the seriously constrained circumstances we are in now, is it proposed to review this and have a central Government information service carry out all of these things or will we continue with public relations committees and consultants for each Department? The situation to which I referred involving the Minister for the Environment, Heritage and Local Government and special protection areas is important. Let us bear in mind that we have taken these to the ultimate limit in this country.

An Ceann Comhairle: Deputy, we are going off on a tangent.

Deputy Enda Kenny: Yes. In a case I heard about recently, a family that had returned from Boston could not fish because they could not get tonnage, could not cut turf because they were in an SAC area, could not build a house within sight of the sea, and could not graze sheep on the mountain because of SAC restrictions. What in the name of God are we at? Yet the Taoiseach is spending public money on promoting these things. Common sense has gone out the window.

Deputy Finian McGrath: They should come to Dublin North Central. We will look after them.

The Taoiseach: I am not aware of the relevance of the last comment about the family. Everything we do must be in compliance with the law, whether it is planning law or any other type.

There has been a reduction of more than €25 million in expenditure on advertising, public relations and consultancies, as announced by the Minister for Finance in February 2009. There are public information campaigns about issues that must be brought to the attention of the public in the areas of health, the environment and so on. This is done by Departments and local authorities, and such campaigns serve a purpose.

There is no committee in existence to oversee public relations contracts and there never has been. Proposals which fall under the two criteria I mentioned in my reply are referred to the Government secretariat. Otherwise, matters must be dealt with under the reduced budgets of Departments themselves.

Deputy Caoimhghín Ó Caoláin: How is it decided whether PR work will be undertaken by the Department or Government press office or will be contracted out, as is sometimes the case? The Taoiseach has indicated that any such examination is not undertaken by a committee. Can he be more specific about whether there is a designated person within the Government secretariat, his own Department or anywhere else who has responsibility for this? Is there any up-to-date reappraisal of the context in which work that is contracted out is approved? Has there been any re-examination of the parameters within which a project is acceptable, in the context of current economic difficulties? If there has not been a recent review of the criteria, will the Taoiseach undertake to have such a review?

The Taoiseach: The Government Information Service has no role whatsoever in the procurement of PR consultants by Departments. It has its own role to fulfil. There are public information services available throughout Departments. Guidelines have been set out on consultancies and where there is a direct service to a Minister or a name is suggested by a Minister as being suitable, the proposal must be forwarded to the Government secretariat for approval. Expenditure in this area has been greatly reduced as part of the overall drive for efficiency and reductions in non-essential expenditure.

Deputy Caoimhghín Ó Caoláin: The Taoiseach indicated in his reply that proposals are submitted to the Government secretariat for approval. To his knowledge, has that approval ever not been forthcoming?

With regard to the criteria mentioned by the Taoiseach, is he personally aware of the conditions that have been set under which contracted-out PR work is within the Government's guidelines? Has there been any re-examination of this? Is he happy that in all cases the decision to put work out to contract was the correct one?

Have concerns been expressed by any of the Department press offices or the Government press office about the continued contracting out of PR work?

The Taoiseach: I am not aware of any issues that arise that are not within the guidelines. Regarding departmental press offices and so forth, as the Deputy knows the technologies available today can be released by e-mail, through text messaging, paper press release, etc. It is necessary that Government be able to provide immediate up-to-date information with 24-hour media coverage involved. I understand that all of these issues are looked at within Departments in terms of available resources and there has been a significant reduction in all headings.

Deputy Eamon Gilmore: Did I hear the Taoiseach correctly say that the number of occasions when a Minister needed to use the procedure recommended in the Quigley report, whereby when a particular PR consultant is being recommended by the Minister himself or herself it needs to go to the Secretary General to the Government, was two since 2005?

The Taoiseach: Regarding the number of cases referred to the Government secretariat, eight cases that came within the guidelines have been processed. Since September 2008 I agreed to the appointment by the Department of Communications, Energy and Natural Resources of a consultant to conduct a facilitation exercise in connection with the consultation paper on next generation broadband. In 2007 one case was noted by my predecessor following consideration by the Secretary General to the Government regarding an invitation to tender for consultancy work by the Department of the Environment, Heritage and Local Government. I understand that the candidate concerned was not subsequently in the tender competition. There were two cases related to the appointment of an arts adviser at the Department of Arts, Sport and Tourism. My predecessor approved one of those appointments in 2005, following appropriate prior consideration by the Secretary General to the Government. On the resignation of the original post holder my predecessor approved the appointment of a successor to the post in 2006. The four other cases referred to the Secretary General to the Government were, on consideration by him, found not to fall within the scope of the guidelines and so did not require consideration or approval. These related to the appointment of IT and communications consultants.

Deputy Eamon Gilmore: The Taoiseach stated that one related to the Department of Communications, Energy and Natural Resources in 2008. One also related to the Department of the Environment, Heritage and Local Government in 2007. Was that in the lifetime of the present Minister for the Environment, Heritage and Local Government?

The Taoiseach: I am not sure, but I think so, yes.

Deputy Eamon Gilmore: In respect of both of those appointments, what was unique about them that they required the appointment of an outside PR consultant? Why was the PR work concerned not considered to be a normal part of the press or PR work of the two respective Departments?

The Taoiseach: It was not in the PR area; it was consultancy in respect of technical work. There was not just PR work involved. It is referred up to us when there is an element of direct service to a Minister or where the Minister has suggested the name of a person or enterprise as being suitable. They are not all PR issues.

Public Service Reform

4. **Deputy Enda Kenny** asked the Taoiseach if he will report on the implementation of the recommendations of the OECD Report on the Irish Public Service; and if he will make a statement on the matter. [30255/10]

5. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach the current status of the plan entitled Transforming Public Service; and if he will make a statement on the matter. [32347/10]

6. **Deputy Eamon Gilmore** asked the Taoiseach to report on the implementation of the plan, Transforming Public Services; and if he will make a statement on the matter. [35873/10]

The Taoiseach: I propose to take Questions Nos. 4 to 6, inclusive, together.

The OECD review of the Irish public service, *Towards an Integrated Public Service*, published in April 2008, benchmarked the public service in Ireland against other comparable countries and made recommendations as to the further direction of public service reform. The programme is designed to create flexibility in the deployment of people and other resources, to improve performance by organisations and individuals and to address the immediate priority of securing maximum value for public spending. The public service agreement, agreed at Croke Park, provides the industrial relations environment for the successful implementation of the transforming public services agenda.

To date, progress has been made across a broad range of areas of the TPS programme. In the human resource area, for example, there have been four main instruments that have contributed to the implementation of expenditure savings, notably the incentivised scheme of early retirement in the public service, the special Civil Service career break scheme, the shorter working year scheme and the moratorium on the filling of public service vacancies by recruitment or promotion. There has already been a reduction of 12,000 in public service numbers since the end of 2008 with no reduction in services. In addition, recently a voluntary early retirement and a voluntary redundancy scheme have been approved for certain categories of staff in the public health service. The purpose of the schemes is to achieve a permanent reduction in the numbers employed in the public health sector from 2011 onwards and to facilitate health service reform.

An e-Government strategy has been put in place. It is being implemented to achieve an improvement in the use of electronic means for delivering public services, and the savings that go with that. It should be noted that according to the latest EU Commission e-Government benchmarks, Ireland's ranking for online sophistication has improved from 17th position before the report came forward to joint 7th position. A rolling e-Government programme that includes 20 individual projects has been initiated and is operational.

A national procurement service was also established on foot of the transforming public services agenda. It is about improving the public service's buying power by organising procurement of common goods and services across the public service. It is achieving better value on procurement spend and savings in the region of €35 million have been identified and implemented already. With regard to shared services, work is ongoing on specific proposals and there are significant potential savings associated with such initiatives. Work is being

[The Taoiseach.]

advanced on shared services in several sectors, in areas that include human resources, pensions administration, payroll and financial management.

There has been an extension of the operation of the organisational review programme so that all Departments and major offices will be reviewed by the end of 2012. Work is also progressing on the development of new performance and governance frameworks for State agencies and the greater use of service level agreements. This is happening against a background of agency amalgamation and abolition and fewer staff numbers. There has also been the reconstitution of the top level appointments committee.

The terms of the Croke Park agreement provide a means by which we can radically transform the public service through greater flexibility, redeployment, changed work practices and overall reductions in numbers. We will require good leadership from management as well as staff if the commitment to avoid further pay reductions and compulsory redundancies is to be honoured. The Government has no wish to back away from the commitment into which it entered at Croke Park, but it can do this only on the basis of full and comprehensive delivery by all of the parties. The Government considers that any party that chooses to remain outside the provisions of the agreement cannot expect to benefit from the commitments it gave as part of the agreement. That is our clear position.

That is an update of the progress to date on this matter.

Deputy Enda Kenny: Page 38 of the report from the OECD states that for real change to take place in the public service there must be a culture of change embedded in the service. Does the Taoiseach believe a culture of real change exists there? What is his vision for the public service five years from now?

The Taoiseach: It will require a great deal of leadership on an ongoing basis at all levels of the service to implement the vision set out in the transforming public services strategy. A great many people are ready for that challenge. The Croke Park agreement is important in that it provides the necessary industrial relations framework in which all this change can be implemented in an ordered and sensible manner and in a way that meets the agreements that have been set out. In the coming year, on foot of the Croke Park agreement, one will see resources being allocated. Obviously, there are fewer resources available to the State than was the case in the past. That itself would be a driver for change. The framework of the Croke Park agreement enables people to work within allocated budgets to provide the maximum efficiencies, redeployments and changes that will be necessary. This will vary from location to location as well as sector to sector. Even within sectors, there may be different resolutions to various issues depending on the situation on the ground and where the flexibility and redeployment can be applied.

Under the Croke Park agreement, it is envisaged the resolution of these issues would be dealt with primarily at local level. Any reference to the implementing body, therefore, would be more the exception than the rule. It is important the agreement works in that way.

We are all anxious to see this change accelerated. It will be driven by the budgetary allocations made for the coming year. We have already seen good examples where this has occurred. I remain confident the Croke Park agreement will deliver the changes it set out and to which the parties concerned are committed. It is challenging but I believe there is sufficient nous and leadership at local level to see it through. Both management and union representatives will have to provide this to achieve this outcome.

Everyone who works in the public service will be aware the taxpayer is not in a position to provide resources to the same extent as before. Accordingly, changes internally in how services

are delivered and being flexible and creative about this is fundamental to maintaining the best possible service for the citizen, who must be at the centre of all our concerns, and in ensuring the organisational arrangements are to maximum and optimum effect.

Deputy Enda Kenny: I believe in a public service that has a clear strategy and one in which all public servants can feel they contribute to the good of their country and the welfare of their community when they go home from work.

The Taoiseach said no reduction in services has taken place with the lessening of numbers of public servants. How can this be if, for example, 600 psychiatric nurses have gone with none replaced? The Department of Finance now controls the authorisation for the filling of every position. If it decides a post for a clinical nurse manager, grade 2, or a manager of a suite of operating theatres is not to be replaced, how can there have not been a reduction in services? How can the author of that report for the Taoiseach claim no reduction in services has occurred when it is impossible to measure up when 600 psychiatric nurses, for example, leave the health service?

Many of the young nurses who left for England and other places in the past several years are now returning to Ireland. They are employed by nursing agencies at enormous costs to the taxpayer to fill the positions the HSE cannot fill. How does the Taoiseach's claim of no service reduction equate with reality, particularly when there is strong demand for mental health nurses?

The Taoiseach: The premise of the Deputy's argument suggests no change can be beneficial to the delivery of services and that fewer people working in an area cannot, by definition, provide a better service. I do not subscribe to that. We have seen changes in a whole range of areas.

For example, everyone will agree the Revenue Commissioners' provision of online services and re-organisation has led to greater throughput, efficiencies and that the time involved in serving customers and citizens has been greatly reduced. The same applies to the Department of Social Protection where computerisation has greatly reduced the need for person-to-person interaction and made it easier for people to obtain services and be aware of their entitlements.

The greater use of technology in the public service and changing how these services are delivered can bring about a far better result with fewer public servants than may have been the case in the traditional arrangement of people queuing for a service delivered from a window-hatch or cubicle.

Over the last quarter of a century we have been in the process of implementing a new and welcome change in how psychiatric services are provided, moving from an exclusively institutional model to a far more community-based one. That in itself has meant that the requirement in terms of numbers needed to treat those in an institutional setting has totally changed, and rightly so. Rather than having psychiatric hospitals deliver such issues in splendid isolation from other hospital services, we now see the modern approach, which is to build acute psychiatric services within general hospital settings. In that way the overall health of patients is catered for in a far more holistic and comprehensive way than would have been the case traditionally. The old system of care had its origins in the Victorian age, rather than in the modern age.

The two examples the Deputy set out are good reasons change is necessary and how change with fewer public servants does not mean that there is a diminution of service. In fact, there is an enhanced, augmented and more modern service available.

3 o'clock

[The Taoiseach.]

By definition, the moratorium can be regarded as a blunt instrument, although exceptions are provided for by the Minister for Finance. It was a good control measure in the absence of an overall industrial relations framework in which to implement a more comprehensive set of reforms. We now have those and while the moratorium must continue to exist because of the need to work against simply increasing numbers without reference to the possible cross-over of people from other areas where there is less activity, by retraining or otherwise, into new areas of demand, or where services need to be augmented by more personnel, that is the way to ensure efficiency and effectiveness.

The overall industrial relations framework we now have enables service-wide change and reorganisation to take place in a way that is planned, understood and negotiated. It can be done with the mechanisms that have been put in place, including time-limited appeal mechanisms, so that matters get resolved rather than a process taking over and change being postponed for a period which is simply too long in current circumstances.

In fairness, all of that has been agreed to as the means by which we will address these issues. For the future, I see a public service which will employ fewer numbers in the overall context but which will be as responsive and flexible as possible. It will use all the modern IT systems to enable people to interact and interface with the service in an efficient and timely way. We will also have professionals working within the service at all levels who are in a better work environment, which maintains a public service ethos whereby people are treated well and are accorded the appropriate dignity as citizens. That is a strong ethic which still permeates the service, although there are many who would be frustrated because of the rigidity of structures. In the past, hierarchical structures were built up which had their place in a different era, but we now need far more collaborative teamwork approaches because many of the old demarcations are no longer relevant. They need to be addressed.

We have an important opportunity, driven as it is by circumstances and resources.

It is also driven by the initiative of public service workers and management to work together to bring about the changes necessary so that we have a sustainable level of service into the future. This should take cognisance of the fact that there are limits to our resources and demographics at play that require us to plan ahead into the medium and long term and redeploy resources to where they are most needed. We must also ensure that we find ways around the problems that arise, through technology, shared services, better procurement practices and a whole range of initiatives in addition to human resource issues that can bring about a better outcome for everyone, including the taxpayer.

Deputy Enda Kenny: In the past ten years, some seriously good people in the public service were head-hunted by private business and quite a number left. If change is to be embedded in the public service, as recommended by the OECD and the Croke Park agreement, should there be an opportunity for people from the private sector to work in the public sector and *vice versa*? This would give everyone a full flavour of the world of work outside and the world of administration and bureaucracy inside. Does the Taoiseach think this is appropriate? In my experience of the public service, when it is challenged, it will always come up with a result depending on the political or ministerial guidance. In the past decade, there has been a tendency to hive off every question to another consultant, report or committee. The public service was always intended to be the public service but was allowed drift into endless rows of bureaucracy. If good leadership from management is necessary, does that exist? Is the Taoiseach satisfied the quality of personnel exists to drive the quality of change the Taoiseach wants, that Croke Park envisages and that the OECD says should be embedded in the culture of the public service?

The Taoiseach: A number of questions arise from Deputy Kenny's points. He referred to the loss of the talent from the public services to the private sector. People took up opportunities to go into the private sector, having served in the public service. Others have returned and some have gone from the private sector to the public sector. That interchange in the world of work is a more common experience than was the case years ago. One of the reasons for benchmarking was to ensure that, where there were jobs of commensurate responsibility, the public service would not be denuded of any talent it had and that the public sector would be seen as an attractive career prospect for those in a position to obtain earnings of a similar nature in the private sector. The question of how to marry that with reform and change is one we seek to address in a comprehensive way through the transforming public services agenda. The Croke Park agreement provides the oil in the wheel to enable it to turn and bring about the change people want to see.

It is open to people from any sector to apply for public sector jobs. We have seen changes and reconstitution in the top level appointments commission to ensure more private sector people are employed so that the disciplines available in the private sector, the innovation and change culture that must be part and parcel of any enterprise in the private sector seeking to adapt to changing trading circumstances can, in an appropriate way, be replicated in the public service, which must show a level of innovation in terms of delivering quality service at a time of tightened financial circumstances. In terms of the level of planning, policy making and policy evaluation and accountability one wants to see in the public service, there are lessons to be learned between both sectors.

There are also lessons to be learned by the private sector from the public service ethos. Perhaps the dearth of that ethos in some respects has been the cause of some of our problems. Unfortunately there has been a stereotypical ongoing argument about public versus private, to which I have never subscribed. Life is not that simple. There is a basis for a solid and well merited critique of both sectors of the economy.

The overall position is that there must be change and it must happen more swiftly than we have been able to achieve before. I now believe we have a framework in which to do that. We have the means to achieve it and to do so in an ordered way. Many of the mechanisms that are now in place provide us with probably the best prospect we have had in a very long time.

Many people have prescribed how change should occur but the best way of achieving it is through a collaborative effort on the part of those who work in the service who have a stake in it and who have a professional ethic to see the service fulfil its objectives, namely, to be as efficient and effective a public service as one could find anywhere and that will deliver for people. That means delivering for people in far more atypical work patterns than would have been the case in the past. For example, where people need services after 5 p.m., rosters will have to reflect that. There is a whole range of customer-focused initiatives that would improve the responsiveness of the service and how people view it. This can be achieved by demonstrating flexibility and by putting in place new practices.

Deputy Caoimhghín Ó Caoláin: Among the measures that we in Sinn Féin proposed in our pre-budget submission was the capping of salaries in the public service and the semi-State sector and also a reduction of 25% in professional fees paid by the State. Between the two sets of measures there is the potential to save the State in excess of half a billion euro on its current outlay. We accept, as do the public service unions, that there must be reforms to work practices to ensure greater efficiency where possible and improved services, which is what we want to see in terms of the public service as a whole.

Does the Taoiseach not agree that the continuation of the embargo on public service recruitment is proving counter-productive? That is something I have argued on many occasions. For

[Deputy Caoimhghín Ó Caoláin.]

example, there is ongoing evidence of the considerable cost of training nurses to a very high degree in this country, both in terms of general health and psychiatric health——

An Ceann Comhairle: We are coming to the end of Taoiseach's Questions, so there are some time constraints.

Deputy Caoimhghín Ó Caoláin: Is the Taoiseach aware of the significant outlay in this area at a time when we are witnessing a massive exodus of nursing professionals who are not able to access employment within the health service? What is happening to overcome difficulties within the Health Service Executive at a time when it is employing agency nurses across the board, including in the psychiatric services? The PNA has identified that the outlay is approximately 40% greater than would be the case with direct employment.

The Taoiseach is familiar with the consultant's report by Mott MacDonald on HSE west which states that the recruitment ban has created another perverse incentive to use existing highly qualified and highly paid staff to cover additional staff. Does the Taoiseach not see that this issue needs to be urgently addressed, something that the INMO itself has highlighted to him? It has also indicated that its members — nurses and midwives — are not prepared to fill the gaps created. Will the Taoiseach not reconsider the situation in regard to the recruitment ban?

The Taoiseach: The moratorium on recruitment and promotion had to be introduced as a matter of necessity. It was introduced at the end of March 2009. It allows for certain general exemptions in the education and health sectors to fill certain key posts, as well in the local authorities in respect of fire, health and safety, INTERREG and other posts. The information in respect of posts covered by these general exemptions can be sought from the relevant Ministers.

On the question raised by the Deputy, the whole purpose of the Croke Park agreement is to see in what way we can get redeployment and find a way forward that will provide us with as many permanent staff as possible. There are some occasions when temporary agency people are required. One would like to think that they would never be required, but there are situations in which they are required. The availability of labour is not equal in all cases. An agency nurse might be required in one area whereas an exception to the moratorium might be more of a solution in another area.

I am not aware of the PNA-specific matter to which the Deputy referred. The service available to psychiatric patients is different to the one that was available in an institutional setting. It is not necessary that all people who interact with psychiatric patients in the modern care setting be psychiatric nurses. Many of the day-to-day needs of psychiatric patients are provided by care workers and others who are quite capable of doing that job. While there is a nursing care element to this, it is not the exclusive case now that may have been the case in the past in terms of the way in which services were organised and who cared for people.

An Leas-Cheann Comhairle: I want to allow a brief supplementary question.

The Taoiseach: Things have changed. I do not suggest that all problems are solved, but the Croke Park agreement gives us the industrial relations framework in which to resolve many problems which have been structural and perennial in the service.

Deputy Eamon Gilmore: I will ask two brief questions. Which is the lead Department responsible for public service reform? Is it the Department of the Taoiseach or the Department of Finance? What savings is the Croke Park agreement estimated to achieve in 2011?

The Taoiseach: Regarding the first point, the Department of Finance and the public service deal with public service issues on an operational basis. The Department of the Taoiseach has always co-ordinated the effort in the social partnership context of trying to promote this agenda right across the service. I work as the chairman of the Cabinet sub-committee in that respect.

Regarding the savings to be obtained by the Croke Park agreement, clearly there will be savings. These have yet to be identified, since they all have to be negotiated and costed in due course. As the Deputy knows, there is provision under the agreement to identify those savings on an annual basis and see to what purpose any part of them can be put to see if any assistance can be given to those who are on the lower pay structures during the course of the agreement. The real saving of the Croke Park agreement relates to the fact that there will be fewer moneys allocated for the provision of services. The agreement provides us the means by which we minimise service impact. We could find a situation in which we could improve services with less money, depending on how we organise those services. This will vary from place to place.

The savings the agreement provides are not simply in the context of the reduced payroll or the reduced costs of services that can be identified upon review on an annual basis. The real value of the Croke Park agreement will be the fact that it effects a new way of delivering services in a way that promotes industrial relations without conflict and, for the most part, provides us with a more sustainable level of service in future. Those savings should be identified in terms of looking at the value of this agreement for the future. If we are cutting major areas of expenditure by X%, if there is no policy change or no change in the industrial relations scenario, then the diminution in services to the public would be guaranteed. The Croke Park agreement provides the means of having sustainable services with less money, while at the same time providing a good service to the public by reason of the redeployment of civil servants that will follow from it.

Priority Questions

State Airports

43. **Deputy Simon Coveney** asked the Minister for Transport if his Department plans any asset sales from within the Dublin Airport Authority to assist paying off its debt; the level of debt now being serviced by the DAA; the strategy planned to reduce airport charges and drive up passenger numbers; and if he will make a statement on the matter. [42988/10]

Minister for Transport (Deputy Noel Dempsey): The Dublin Airport Authority has statutory responsibility for the operation, management and development of Dublin Airport.

As such, it is responsible for developing a strategy for increasing passenger numbers and I know that it is very active in this regard. It also operates under a clear commercial mandate and is not in receipt of any Exchequer support. Accordingly, issues such as the scale and management of its debt is the sole responsibility of the company and I have no function in these matters

On airport charges, the Commission for Aviation Regulation regulates airport passenger charges levied at Dublin Airport. Again, I have no function in the matter. The Deputy will be aware that the question of any possible sale of State assets is one that is currently being considered by the review group on State assets and liabilities, headed by Mr. Colm McCarthy.

Deputy Simon Coveney: In the light of terminal two, T2, being opened on Friday, will the Minister say whether he considers it is value for money to open a terminal that has cost some-

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where between €600 million and €700 million, at a time when passenger numbers going through Dublin this year will be less than 18 million, and each terminal has the capacity of up to 15 million?

I understand this was a long-term investment committed to at a time when passenger numbers were on the rise, and it is easy to look at these figures in hindsight. I should like to ask the Minister about an area that is his responsibility, that is, aviation policy generally. Does he believe it is appropriate that there is no competition between airports in Ireland and that one State-owned company is managing the country's three main airports at a time when passenger numbers over the past two years have fallen by almost 30%, despite the fact that in most European countries passenger numbers are increasing? In France, Italy, Portugal, Sweden, Germany, Spain and Finland passenger numbers have increased——

An Leas-Cheann Comhairle: The Deputy is giving information.

Deputy Simon Coveney: That is the context of the question.

An Leas-Cheann Comhairle: The Deputy is required to eventually put a question.

Deputy Simon Coveney: I have already asked two or three questions——

An Leas-Cheann Comhairle: Exactly.

Deputy Simon Coveney: ——and I am just finishing the last one, if that is all right.

In the context of passenger numbers increasing in the vast majority of European countries, does he consider that it is time the Government had a fundamental review of aviation policy in Ireland, to increase passenger numbers?

Deputy Noel Dempsey: As regards the Deputy's first question about value for money, the cost of the terminal two building is just over €300 million. The figure of just over €600 million that he quoted relates to ancillary services and buildings that were provided at the airport prior to T2 arriving on the scene at all. I regard it as value for money. The Deputy rightly and fairly has indicated that this decision was made in 2005 or thereabouts when passenger figures were increasing exponentially at Dublin Airport, and indeed at the other airports around the country. The projections at that stage, before any economic downturn, indicated that the terminal was needed.

I can remember that in my predecessor's time at every Question Time there were at least one or two questions about the delays at Dublin Airport, and about getting through security, as well as the delays being faced by people when collecting their baggage on returning from holidays and so on. There was no question that there was a need to put new facilities in place, and they will be there, as in fairness, the Deputy has acknowledged.

As regards competition in airports in Ireland, the Deputy will be aware that the State Airports Act was put in place in 2004 to separate the three main airports, to allow them to compete. Due to the downturn in the aviation sector in 2008-09, the airports requested me to defer a final decision on that until next year, which I will do. In light of the situation next year, depending on passenger numbers etc., we shall review that in consultation with the airports.

Deputy Simon Coveney: I have two specific questions. Could the Minister explain why the Government did not follow independent advice, when the building of a second terminal at Dublin Airport was being planned, to have it built and operated by an operator independent of the Dublin Airport Authority? Has the Government considered the option of either leasing

or selling one of the terminals at Dublin Airport, in order to have competition between the two terminals and to get prices down and services up?

Deputy Noel Dempsey: The Government attempted to follow the independent advice the Deputy has mentioned. In so far as we could we went to the stage of actually tendering for an operator for services at the terminal. We had to abandon the tendering process, specifically because we could not get a suitable tender to provide the services there.

Deputy Simon Coveney: That is not true.

Deputy Noel Dempsey: It is true, and I went through the process myself. We got independent advisers to go through the whole tendering process, which was the subject of questions in the House before. The current position is to the effect that the DAA will now operate that terminal. It has a four-year period in which it can operate it. As we come to the end of that period we shall establish what the market conditions are and determine whether it is possible for the terminal to be operated, independently.

44. **Deputy Joe Costello** asked the Minister for Transport if he will outline the range of airport charges applied to air travel here at present; if he has satisfied himself that these charges are properly applied by the airlines; and if he will make a statement on the matter. [43024/10]

Deputy Noel Dempsey: The Commission for Aviation Regulation is responsible for the regulation of airport charges at Dublin Airport and I have no function with regard to their determination or application.

Airport charges at Cork and Shannon Airports are set by those airport authorities and again I have no responsibility as to how they are applied. Similarly, airport charges at the six regional airports, which are owned and operated independently, are a matter for each airport concerned.

Deputy Joe Costello: Given that Dublin Airport Authority will have a substantial bill, namely, the €300 million he mentioned as well as other costs, does the Minister not consider it strange that the National Consumer Agency report last week indicated that the airlines were ripping off the consumer to the tune of €28 million annually, by refusing to refund the taxes, charges and administrative funds while not refunding cancellations, as well? This means a healthy sum of money is being lost, both to the DAA and perhaps, in some cases to the Exchequer. Has the Minister any plans to ensure that the airports and airport charges are recouped by the airport authorities so that we do not see “Rip-off Ireland” continuing into the recession, with the airlines simply taking all that money for themselves?

Deputy Noel Dempsey: Again, the question the Deputy raises is one specifically for the airport authorities and perhaps for the Department of Finance, as regards the airport taxes that are paid and subsequently not transferred to the appropriate authorities. I did not have any real notice that this was the intent of the question, but I shall raise it with Dublin Airport Authority and attempt to ascertain what action it is taking to ensure that it does not incur revenue losses in circumstances such as these.

Deputy Joe Costello: I thank the Minister for his reply, but I would have thought this matter was more appropriate to the Minister since he is responsible for the overall policy. It would seem appropriate to have a code of conduct operating in the aviation industry in relation to refund of charges that are appropriate to the authority itself and appropriate to the Government if somebody has cancelled or there is a no show. Some airlines have their own administrative charges which incorporate this area and some make one level of return and others make none. There is no policy. The Minister should impose policy in this area and it is appropriate

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that we have a code of conduct that extends to all airlines. The sum of €28 million is a sizeable sum. The National Consumer Agency has determined that the only way it can deal with this matter is to go to the High Court. I would like the Minister to intervene in this matter.

Deputy Noel Dempsey: There is a policy in that anyone who owes taxes to the State must pay them. Deputy Costello correctly pointed out that there are varying practices in the airlines. One method some airlines use to avoid paying taxes is to say that the administrative charge in respect of refunding money to passengers equals the amount of tax outstanding.

Deputy Joe Costello: That is a sleight of hand.

Deputy Noel Dempsey: Yes, I agree. The National Consumer Agency, which is a Government agency, has taken up the matter and is seeking a determination in that regard from the High Court. It is hoped the outcome will be positive and will clarify the situation.

Road Safety

45. **Deputy Tom Hayes** asked the Minister for Transport his view on the French and the Australian State of Victoria's mechanisms for testing for suspected drug driving; and if he will make a statement on the matter. [42989/10]

Deputy Noel Dempsey: Driving under the influence of intoxicants, drugs and alcohol, is one of many key issues in road safety. Testing of drivers in respect of drugs is already provided for in the Road Traffic Acts. Section 49 of the Road Traffic Act 1961, as amended by the Road Traffic Act 2004, provides that where a member of the Garda Síochána is of the opinion that a person in charge of a mechanically propelled vehicle in a public place is under the influence of a drug or drugs to such extent as to be incapable of having proper control of that vehicle, he or she may require that person to go to a Garda station and there submit to a blood test or provide a urine sample.

The issue of roadside drug testing was discussed as recently as August 2010 at the International Conference on Alcohol, Drugs and Traffic Safety. It is agreed that there are scientific and legal issues to overcome in respect of roadside drug testing. Some of the issues include, the limitations in the choice of drug for detection, the level of detection of each drug class and the amount of specimen required.

The Medical Bureau of Road Safety is aware of the mechanisms for testing suspected drug driving operated by the French and Australian State of Victoria. Both jurisdictions are operating limited roadside saliva testing using the technology that is currently available. The bureau is aware that some other Australian States and other European jurisdictions, including Belgium, are preparing for the introduction of saliva testing and the bureau will continue to review the forensic options available as the technology develops.

In the meantime, the Road Traffic Act 2010 includes provisions for "field impairment testing", namely, non-technological methods by which the Garda can make a preliminary assessment about the possible presence of drugs.

Deputy Tom Hayes: The Medical Bureau of Road Safety carried out a survey in 2001. Is it not time another survey was undertaken? In excess of €650 million is being spent annually here on illegal drugs. People are extremely concerned about this issue. Is it not now time that another survey be undertaken with a view to discouraging young people from engaging in drug misuse or driving cars while such substances are in their bodies? It is important this information is updated. Perhaps the Minister will consider having another survey undertaken.

Deputy Noel Dempsey: I agree that the more information collated and published the better. I assure the Deputy that the medical bureau continues to analyse blood and urine samples received from the Garda Síochána under any of the road traffic Acts not alone for alcohol but for drugs. Much of the data obtained from research and testing is used. Under a roadside drug testing assessment project, the levels of drugs in blood, urine and saliva, using a range of drug screening devices, in approximately 3,000 cases have been examined. A Rosita-2 project was carried out from 2003-2005 to evaluate the usability and reliability of on-side saliva testing. However, following research, it was determined that none of those tests were sufficiently reliable as to allow us legislate for their use on a regular basis.

I assure the Deputy, whom I acknowledge is as concerned about this matter as am I, that as soon as a robust mechanism is found we will be in a position to move on it.

Deputy Tom Hayes: Is the Minister in a position to set out a timescale in respect of putting a mechanism in place? There has been much research in this area and we are aware that people abuse the situation. When does the Minister envisage progress in this area? Can he indicate a timescale? Will a test be in place in six months, 12 months or two years time? It is important to address this issue. Speed cameras have been put in place, as is testing in respect of drink driving. However, there is wholesale abuse in the area of drug driving.

Deputy Noel Dempsey: The question of a timescale does not arise. We must first come up with a device that will prove robust in terms of testing. The Rosita-2 project was carried out. Nine different devices were evaluated across six countries in Europe, including Belgium, Finland, Germany, Norway, Spain and France and five States in the United States through a series of laboratory and field based evaluations, six of which had a failure rate of 25% or greater. It is a matter of research and science coming up with a suitable device, in respect of which I cannot give a timescale.

Local Authority Services

46. **Deputy Simon Coveney** asked the Minister for Transport following the severe winter weather of 2009/2010, his plans to ensure that there will be no shortage of salt and grit; the structures of responsibility to deal with gritting on national and non-national roads; and if he will make a statement on the matter. [42651/10]

Deputy Noel Dempsey: The improvement and maintenance of regional and local roads is the statutory responsibility of each local authority, in accordance with the provisions of section 13 of the Roads Act 1993. Works on those roads are funded from local authorities' own resources and are supplemented by State road grants. In January 2010, my Department established a review group to carry out a review of the transport response to the severe weather during the period November 2009 and January 2010. In this review, my Department has recommended that local authorities and the National Roads Authority should work together to put in place framework contracts with a number of salt suppliers and that local authorities should draw down their supplies under these framework contracts and should continue to be responsible for the implementation of the response on the ground. The National Roads Authority has put a framework contract in place, providing for 80,000 tonnes of salt with scope to draw down additional salt supplies as required.

The review also recommended that local authorities should draw up lists of priority routes for treatment during severe weather. Local authorities were asked to publish their winter maintenance plans on their websites in advance of December 2010. This would allow the public to be aware of what routes will be treated in the case of severe weather and the type of intervention envisaged.

Deputy Simon Coveney: The Minister will recall the lack of leadership from himself and his Department last January, which surprised many people involved in this area. I am somewhat reassured that plans have been put in place to ensure there is not a repeat this winter.

I have two specific questions for the Minister. How much salt, which it is appropriate to put on the roads, is currently in storage here? If there is a big freeze next week, are we ready for it?

Has the Minister prioritised essential roads? What are the criteria for doing so? Do they include traffic numbers or the motorway system? Following the report last January, what was the estimated volume of salt and grit that should have been in place and required to deal comprehensively with the big freeze last winter? Is there enough in storage currently or will we have to rely on imports like last year when we were not able to bring in enough?

Deputy Noel Dempsey: I remind the Deputy that no local authority ran out of salt and grit during the more than 20 days of sub-zero temperatures.

Deputy Simon Coveney: That is simply untrue.

Deputy Noel Dempsey: The incident last year, which went on for more than 20 days, caused a problem. Arrangements had to be put in place to move salt and grit from county to county in a number of instances.

Deputy Simon Coveney: How much salt is stockpiled?

Deputy Noel Dempsey: That was done successfully. Up to last year, 61,000 tonnes of salt was available annually. This year, as a result of what happened last year, there is a framework contract in place that provides for 80,000 tonnes of salt to be drawn down

Deputy Simon Coveney: How much salt is stockpiled?

An Leas-Cheann Comhairle: I will call the Deputy again.

Deputy Noel Dempsey: Additional salt is available under this contract.

The priorities are clear and they do not change from year to year. The hierarchy is the motorway system, the national primary system, the national secondary system and local and regional roads of importance.

Deputy Simon Coveney: Will the Minister repeat his answer to the question about whether local authorities ran out of salt last year? Is he suggesting no local authority in Ireland ran out of salt last year during the big freeze when it is a fact that Cork County Council had to supply Kerry County Council with significant tonnage of salt? The Minister should rethink his reply to that.

How much salt is stockpiled in Ireland currently to prepare for the possibility of a big freeze next week or the week after? I do not ask about January; I ask to ensure we are ready for next week.

Deputy Noel Dempsey: There is enough salt to cater for anything that could happen over the next few days. The way this works is that the salt is brought in over time as needed. The contract last year was for 60,000 tonnes, which had been more than adequate every year for decades before that. Stockpiles are maintained but the salt is generally bought as needed over time. There is not a great deal of sense in stockpiling the 80,000 tonnes of salt in case it is not needed. It does not keep well from year to year. That is the method used in providing the stockpiles but the contract is for 80,000 tonnes. The difficulty that arose last year in many

respects as we were reaching our 60,000 tonnes limit, there was a need for salt elsewhere and we faced competition. Cork County Council had its own supply and it was asked to make salt available. The same happened in one or two other local authorities and if the Deputy wants to refer back to the blacks, he will see that I said that individual local authorities had to be helped by other local authorities. That is why the NRA came in to organise it. That is why we are now suggesting that the NRA should continue that in one form or another.

Road Network

47. **Deputy Simon Coveney** asked the Minister for Transport his plans to proceed with a strategy to place new road toll collection points on motorway and national road infrastructure in the near future; and if he will make a statement on the matter. [42991/10]

Deputy Noel Dempsey: The local government efficiency review group recommended the introduction of new tolling schemes on national roads, both new and existing, based on an equitable distribution of tolling points across the national network, with a proportion of revenue being used to invest in local and regional roads. The infrastructure investment priorities document for 2010 to 2016 also refers to the introduction of further tolling on national roads and recommends that additional income generated through tolling should be retained by the National Roads Authority, NRA, to help fund ongoing road investment. In light of these recommendations, the NRA was asked to examine options for a new tolling strategy. I have just received a report from the NRA on options for a future tolling strategy, which I am now considering. At this point, however, no decisions have been made on additional tolling on specific national roads.

Deputy Simon Coveney: That is convenient. There is a great deal of concern that additional tolls will be placed on our motorway infrastructure and it would be helpful if the Minister clarified whether he intends to use additional tolling to raise revenue, whether that be for infrastructure or for the Exchequer. There is potential for a huge waste of money because he has asked the NRA to put considerable work into designing tolls, for example, on the Jack Lynch Tunnel adjacent to my own constituency. What is the Minister's thought process in this regard? Does he plan to introduce additional tolls on motorways that have been paid for, or are being paid for, by existing tolls to raise additional revenue for his Department or the NRA? Is that likely to be a feature of the upcoming budget?

Deputy Noel Dempsey: All I can do is repeat the answer I gave the Deputy. The suggestion was made by the local government efficiency review group. It was mentioned in the capital programme 2010-16. In light of those recommendations, the NRA was asked to examine the options for a new tolling strategy. The authority has completed a report, which I received at the back end of last week. I will have a look at the report and, on foot of that, a decision will be made on whether we will go ahead with tolls, whether they are necessary and what design might be used, if we proceed. There are conflicting recommendations in the two reports. One says some of the money should be available to fund local authorities while the other says the money should stay with the NRA. We do not, and will not, have the same funding available for maintenance or repair of roads as we had over the past decade. That is why this is being considered. When one gets such reports, one must consider the pros and cons. When they are discussed and decided by the Government, I will bring the news to the House.

Deputy Simon Coveney: Will the Minister consider whether it makes sense to charge people and, in doing so, discourage them from using the safest, quickest, most direct infrastructure on which we have spent a fortune constructing, thereby increasing traffic on secondary roads and sending it back into towns and villages, which is contrary to the motorway strategy in place? If

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he is considering introducing new measures, whether they be levies, tolls or taxes, to raise additional revenue from transport, there are more straightforward and effective ways of doing so to ensure we can afford to pay for the infrastructure that will be required over the next number of years.

Deputy Noel Dempsey: I am more than willing to listen to suggestions the Deputy has about more effective ways to raise finance and so on. There are two sides to this argument. It can be argued on the one hand that the most effective way to ensure sufficient funds for the maintenance and upkeep of roads is to ask those who use the roads to pay for them rather than asking the taxpayer to do so.

Deputy Simon Coveney: This is not about maintenance but the building of new roads.

Deputy Noel Dempsey: There is not much evidence to suggest people have significant difficulty in paying for the convenience of top quality roads and diversion rates are quite small for current toll roads. Tolling or congestion charges can also be used in urban areas to enhance the environment and health benefits for people in certain areas. There are pluses and minuses. Tolls can be an expensive way to raise finances and put infrastructure in place.

Deputy Simon Coveney: I can understand the rationale of a congestion charge.

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

Deputy Simon Coveney: The issue surrounding the tolling of bypasses, tunnels and major infrastructure is that the opposite effect will be achieved, with traffic being diverted into towns and villages. That is the point. If tolls are to be in the form of congestion charges, people should be encouraged on to motorway infrastructure, which makes much more sense.

Deputy Noel Dempsey: We are not talking about any structure currently because we have not finalised any decisions regarding tolls. There are pros and cons.

Other Questions

Rural Transport Services

48. **Deputy Shane McEntee** asked the Minister for Transport if he will confirm that funding will be maintained in the rural transport programme in 2011; and if he will make a statement on the matter. [42690/10]

57. **Deputy Denis Naughten** asked the Minister for Transport his plans for the rural transport initiative; and if he will make a statement on the matter. [42618/10]

83. **Deputy Jack Wall** asked the Minister for Transport his plans to expand the rural transport link; the number of services in operation; and if he will make a statement on the matter. [39281/10]

Deputy Noel Dempsey: I propose to take questions Nos. 48, 57 and 83 together.

Some 36 rural community transport groups are being funded under my Department's rural transport programme, which is operational in every county. These groups are working towards maximising coverage in their operational areas having regard to local public transport service needs and the availability of resources. I understand that on average some 13,600 transport

services a month are now being provided under the programme. In addition, a number of pilot transport projects have been undertaken in the north east and north west to explore the potential for improved synergies between existing transport providers.

The outcome of these projects, together with those of the recently completed exercise to map all transport services in County Louth and a cross-Border pilot rural community transport project under the auspices of the British-Irish Council, will feed into the process for developing rural transport policy into the future. Some €11 million is being provided for the programme this year. Consideration of further funding for the programme will be considered by the Government in the context of the budget for 2011 and later years.

Deputy Simon Coveney: I have a number of specific questions. I recognise that rural transport requires a State subsidy and is quite complex in its make-up. Is the Minister satisfied that the €196 million per year currently being paid for school transport, in the context of rural transport, as well as the average €25 million per year spent on providing HSE transport, largely made up of hiring taxis in rural areas, represents the best delivery structure for a cost-effective rural transport system?

Deputy Noel Dempsey: I am not satisfied that we are getting the kind of value we might be able to achieve if the system had more integration. That is why we have initiated some of the projects being discussed. There was one in operation for a while with the HSE in Cork as well. We should be able to get better value for money and that is the reason those projects have been put in place. It is also the reason I asked Bus Éireann, the Department of Education and Skills, the HSE and my Department to try to formulate a better integrated system.

We can do better on rural transport, and the Deputy is probably aware that there are a number of voluntary groups with their own transport which may be integrated into the process. I have asked groups and officials from my Department to engage with the National Transport Authority to see if this can be pulled together to reduce costs generally in the system while improving the service at the same time.

Deputy Joe Costello: I am glad the Minister has indicated he is not happy with the current system and that it is not sufficiently integrated. Does the Minister have any thoughts on combining some of the services being provided on one side by the HSE, which are very costly, with school transport on the other side, where separate fleets of vehicles are being used? Has he considered bringing on board local authorities, which are providers of very considerable services throughout the country? An integrated system is the only way we will be able to make a rural transport service functional in any decent capacity.

Deputy Noel Dempsey: My aim in this regard is to try to combine services and ensure we get value for money. It is a good area and we could get more with less money even than we are talking about now. As Deputy Coveney noted, it is a complicated area and we are talking about network planning. Bus Éireann have experts in this regard and with the school bus service, for example, a considerable number of providers are on contract to CIE; they are not employees of the company. I am not sure how many of those would be available during the course of the day. It should be sufficient to give a reasonably integrated service throughout the country.

The Deputies made points about the HSE and health services and there was a very good system in operation for a while in the hospital in Drogheda. A minibus brought people to a clinic and they were taken in the first couple of hours. After some time for a cup of tea or coffee, they were brought back. The two systems married well. Unfortunately, a change in

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personnel in the hospital blew that out of the water but we should be capable of providing such programmes to ensure a good service.

Deputy Tom Hayes: I welcome the fact that the Minister is open to suggestions in this regard. I ask the Minister to include in such a review the following issue. With more emphasis on preventing drunk driving in the past few years, people in remote rural areas, especially younger people, have no way to go home at night from discos, etc. I have travelled through several towns in the past few months late at night and could see such people waiting in a queue in the cold, with some walking home. It is unfair and the issue should be examined. Will the Minister consider this as it is a matter of controversy and concern?

Deputy Noel Dempsey: I will consider it but we must ensure that some of the cost would be met by those who benefit most from people being out late at night.

Deputy Tom Hayes: It is not as simple as that.

Deputy Simon Coveney: There is a social aspect that probably requires a State subsidy from a road safety perspective. Will the Minister consider clustering services, whether they are for the HSE, school transport or some other rural transport service provision? Will he allow the private sector to compete for the business through an outsourcing tendering process so as to encourage people to come forward with cost-effective solutions for a cluster of problems within counties or regions? Bus Éireann will be part of that competitive process but there are plenty of private operators, some of which are operating under contract to Bus Éireann now, which would love to have the opportunity to tender for this business if given the opportunity.

Deputy Noel Dempsey: Many rural transport groups use private transport and Bus Éireann is hardly involved at all in the provision of these services. Pobal makes the specific funding available to individual rural transport programmes and contracts services.

In some cases, rural transport programmes may have their own vehicles but the one of which I am aware in Meath does give facilities and business to the private sector. I have no difficulty with that. It is a good idea that we should have competition.

Motorway Service Stations

49. **Deputy Phil Hogan** asked the Minister for Transport if he will instruct the National Roads Authority to redraft the guidelines around motorway service stations to encourage private investment in these vital service areas; and if he will make a statement on the matter. [42676/10]

Deputy Noel Dempsey: As Minister for Transport, I have responsibility for overall policy and funding in regard to the national roads programme element of Transport 21. The implementation of individual national road projects, including service areas, is a matter for the National Roads Authority in conjunction with the local authorities concerned.

Section 54 of the Roads Act 1993 specifically provides for the NRA or a local authority to provide and-or operate service areas. In 2005, the then Minister for Transport asked the NRA to review its policy of generally not providing service areas on national roads, particularly on the expanding network of access-controlled motorways and dual carriageways. Arising from this review, the NRA developed a programme for the provision of up to 12 service areas on the major inter-urban routes as well as the N6-N18 junction and the N11 route at intervals of

approximately 50-60 km. Two documents relating to the NRA's policy on the provision of service areas are available on their website at *www.nra.ie*.

The NRA has completed the delivery of the first tranche of three service areas under a PPP programme — two on the M1 and one on the M4. A further service area at Gorey on the M11 is scheduled to be constructed as part of the N11 Rathnew-Arklow and N7 Newlands Cross junction improvement schemes.

The NRA proposals for other service areas are progressing through the planning process. However, the construction of these service areas is heavily dependent on the availability of funds and the prioritisation of projects within a reduced capital budget. In light of this, I have advised the IR — I am sorry, I meant the NRA — that it should consider other options to finance the provision of service areas which do not require Exchequer funding.

Deputy Simon Coveney: Clearly, Gerry Adams is getting a bit close to the Minister.

Deputy Noel Dempsey: He is not in my constituency.

Deputy Simon Coveney: He is nearly bordering it.

I do not understand why this question is not grouped with Question No. 54, which deals with more or less the same issue. I drive from Cork to Dublin most weeks. I leave Cork at 10 p.m. and often drive home on a Thursday evening at a similar time. This is not only a serious road safety issue in that there is nowhere to pull in on the motorway between Dublin and Cork once one passes Naas, it is also a danger in terms of being able to refuel as there is only a small number of 24-hour petrol stations close to that route. Nonetheless, the main issue is a road safety one, namely, people falling asleep at the wheel when they should be provided with service stations to get a cup of coffee and fill up on fuel.

This is standard practice with motorway infrastructure in other parts of Europe, certainly in Britain, where there is a very good road safety record, as the Minister will know. It is not good enough for the NRA to state we simply cannot afford to do proceed at present because we do not have the resources. This is something the private sector should and can do but it probably requires a change in the criteria we currently require in terms of all the facilities that must be provided to make a service area viable.

Will the Minister talk to the NRA in regard to redrafting the guidelines in order to attract private sector investment in the provision of service areas on motorways such as the Cork-Dublin motorway?

Deputy Noel Dempsey: That is precisely what I asked the NRA to do, and I asked it to come back to me with proposals for service areas along these routes that would not cost the Exchequer anything. I agree with the Deputy that the private sector should be in a position to do this, although the NRA has informed me that part of the reason service areas were not provided for initially was that it thought the private sector would come in to provide them. When it was discovered it was not doing that, the policy was changed in 2005. While we are now in the financial situation we are in, I have no problem with the Deputy's suggestion that the private sector should provide these service areas and I have asked the NRA to come back with proposals that would allow the private sector to do so.

Deputy Joe Costello: The Minister has partly answered the question. Why, in the first instance, was this not an integral part of all major road construction projects? How could the NRA have contemplated links between Dublin and the main cities of Cork, Galway, Limerick, Waterford and Wexford without having service stations along the route? Anyone in their right

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mind who has travelled on a road would recognise that this was par for the course and the norm in any other country.

The Minister said the NRA was asked to review this in 2005, which is five years ago. Virtually all of the main routes have opened since then and much work could have taken place to ensure some formula was found to enable most of the new routes to have service stations by now.

Deputy Noel Dempsey: As the Deputy knows, while all of the routes are now being finalised, many of them had gone through the planning process in 2005 and the ones that had not, namely, the M1 and M4, have service areas. It would be unfair to characterise the NRA as not being in favour of providing the service areas as it certainly is in favour of it and it understands the arguments in this regard. It is a matter of coming up with the ways and means of providing service areas without taking money away from road building projects.

A number of private developers have obtained planning approvals for offline facilities, including at the M7 Mayfield junction at Monasterevin and in a number of locations on the M6 and M8, including at Kilcullen, as well as a number of others in various locations. In response to both Deputies, the NRA has been asked to try to come up with a formula that will allow these to be built.

Deputy Tom Hayes: There was no planning for service stations on most of the roads, particularly the Dublin-Cork road. Will the Minister have the NRA allow the erection of signage from a road safety perspective? People are driving the roads but they do not know where to get off to have a cup of tea, to refuel or otherwise. Given these stops have not been built, signage is needed. We have contacted the NRA several times in this regard but it will not allow signage to be erected. In the interim, I ask that this be done as well as allowing the projects to be progressed.

Deputy Noel Dempsey: The NRA has allowed for signage for offline services and this has been provided on all of the major inter-urban routes. There are criteria in this regard and in regard to identifying the appropriate locations. It is based on the proximity of a particular premises or facility to an interchange and on an indication of whether the operator can provide the facilities to which Deputy Coveney referred, such as fuel and toilet facilities.

Metro North

50. **Deputy John O'Mahony** asked the Minister for Transport the cost of Metro North to the State over a 25 year contractual period by giving an estimate based on the lowest and highest tenders the Government received; and if he will make a statement on the matter. [42674/10]

Deputy Noel Dempsey: Since 1 December 2009, the implementation of Metro North is a matter for the National Transport Authority. My Department's policy on the release of cost and economic information on transport projects is designed to protect the taxpayer's interest. There is a balance to be struck between promoting public transparency and ensuring value for money in this regard.

The Railway Procurement Agency is currently involved in an ongoing PPP procurement process for Metro North with two bidding groups. There is a risk that releasing any information on tenders received in regard to Metro North would provide an indication of what the State is prepared to pay for the project. Bidders involved in the project could then focus their final bids at that level instead of at the lowest price at which they can deliver the project. Given the reasons I have outlined, it is clear that it would not be in the public interest to release any information which has the potential to increase the cost to the taxpayer of delivering this

project. The National Transport Authority, NTA, has made available on its website a redacted version of the most up-to-date business case for metro north. The NTA has had the business case independently reviewed and has confirmed that the cost-benefit analysis for the project remains strong. My Department and the implementing agencies have undertaken to provide relevant economic and financial information on projects at an appropriate time but without compromising the commercial sensitivity attached to the projects.

Deputy Simon Coveney: It is important to cut to the chase. It is no longer a matter for the National Transport Authority or the Railway Procurement Agency. They continue to work on metro north. The issues around metro north relate to whether the Government will sanction it and this is the issue I would like the Minister to address. There is great uncertainty around what is likely to be the biggest infrastructure project in the State for the next decade and people do not know where we stand. They do not know whether the Government will sanction the €75 million which will be necessary next year to conclude the tendering process and carry out the ancillary works required before any major project can begin. Will the Minister give an indication of his and the Government's view on metro north at this stage? Is it going ahead or not?

Deputy Noel Dempsey: It is wonderful that no matter how often a Minister stands up and says a project is going ahead, all it takes is one newspaper article for someone to say it is not going ahead.

Deputy Simon Coveney: Give us some clarity. That is why I have asked the question.

Deputy Noel Dempsey: I stand clearly on the record as recently as last Friday down in Gort.

Deputy Tom Hayes: The Minister has not done so here.

Deputy Joe Costello: That is a definite answer indeed.

Deputy Simon Coveney: Again, no answer.

Deputy Joe Costello: Finally last month, the railway order was granted by An Bord Pleanála. However, it was granted in such a manner that there are certain curtailments to the project, including approximately 2 km of track to be removed at Belinstown and the proposed depot being switched to another site. Consequently, the Railway Procurement Agency, RPA, must apply for a new railway order.

An Leas-Cheann Comhairle: A question, Deputy.

Deputy Joe Costello: Consequently, there will be some delay in the project. The signing of any contracts will not take place soon. It might be well in 2012 or later.

Deputy Noel Dempsey: The Deputy is correct to note that An Bord Pleanála made a change to the terminal for metro north and has not allowed the depot to go ahead at Belinstown. However, he is not correct to suggest that a new railway order will be necessary. A planning issue must be dealt with for the depot. The NTA and the RPA have estimated that because of the way the planning permission is worded there will be approximately a six month delay. They hope to be in a position to have the matter out of the way in six months but it will have a knock-on effect. This will mean the actual construction will begin sometime in 2012 but it does not affect the commencement of the facilitating works, which must be carried out before the contractors come on site.

Deputy Simon Coveney: I wish to have the Minister on the record of the House regarding his commitment to metro north. Will the Minister clarify what he stated in Gort last week? I was not there at the time.

Deputy Noel Dempsey: I will send the Deputy the blacks of all the times I have stated that I believe this is a very good project which should go ahead. The situation is that we have got the railway order for it. The next procedure is to get the bidders. When the bids come in——

Deputy Simon Coveney: I understand the procedure. Is the Government committed or not?

Deputy Noel Dempsey: Let me inform the House of the procedure because I have no wish for the Deputy to come to the House at the next Question Time and state, “You said it was going ahead”.

An Leas-Cheann Comhairle: We are very short of time. Will the Minister answer the question, please?

Deputy Noel Dempsey: When the bids are finalised I must bring a cost-benefit analysis to Government and, once that is done, the Government will make that decision. However, provision is being made for metro north in the capital programme into the future.

A Deputy: The Minister might not be there at that stage.

Deputy Tom Hayes: “Yes” or “No”?

Deputy James Reilly: So, no decision has been made yet.

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 Seymour Crawford — the need to ensure that payments are made to farmers; (2) Deputy Thomas McEllistrim — the need to assist Kerry with its bid to host the International Children’s Games in 2015; (3) Deputy Mattie McGrath — the need for a problem in the HSE primary care reimbursement service system which is preventing the medical card patients from accessing their care and medication to be resolved as a matter of urgency; (4) Deputy Tom Hayes — the Golden sewerage scheme; (5) Deputy Deirdre Clune — flood victims who cannot insure their premises due to uncertainty; and (6) Deputy Alan Shatter — the need to sanction the tendering process for the construction of a new school.

The matters raised by Deputies Alan Shatter, Deirdre Clune, Thomas McEllistrim and Seymour Crawford have been selected for discussion.

Leaders’ Questions

Deputy Enda Kenny: Speaking in 1959, Seán Lemass stated “the historical task of this generation is to consolidate the economic foundations of our political independence”. The Taoiseach and the Government have politically betrayed our country. They have let down the founding fathers of their own party, they have let down those who fought to achieve Irish independence and, by their actions, they have now endangered the economies of other European countries. Their greatest failure has been to let down our people. The blatant incompetence of this Government has resulted in the people being paralysed by anxiety, concern and fear about their future in respect of their businesses, employment, families and mortgages. This is all

because of the gross incompetence of a Government that has ignored every proposal for a constructive future. It is our job as politicians——

An Ceann Comhairle: Could we have a question, please?

Deputy Enda Kenny: It is our job as politicians to determine what solutions exist and to make decisions accordingly. This Government's gross inability to lead the country has resulted in the most shambolic mismanagement of the people's affairs since the foundation of the State.

Deputy Simon Coveney: Hear, hear.

Deputy Enda Kenny: The outright dishonesty of what happened during the past week, with Minister after Minister proclaiming that all is rosy in the garden, is a far remove from the reality on the streets of Ireland.

An Ceann Comhairle: Deputy, a question please.

Deputy Enda Kenny: Will the Taoiseach make a clear statement of truth about what has gone on during the past fortnight? The Taoiseach partially opened the books in the Department of Finance but no Opposition party has had any word from the Department of the Taoiseach about the most potentially catastrophic consequences for our country. Will the Taoiseach tell the people what has been going on during the past week? Have there been discussions or intentions of discussions about an emergency bailout for this country or other? We are aware of the statements of Ministers who have said, "We have not applied for this". Will the Taoiseach now tell the people, truthfully, the extent of the contact, technical, formal and political, with the European institutions in respect of the seriousness of the banking problem that afflicts our economy?

The Taoiseach: I regret very much the tone and content of what Deputy Kenny has had to say. The Government has, since the crisis began, taken all necessary steps to secure our economy and the finances of the country and to provide a functioning prospect for recovery, but it has been opposed practically every step of the way by the parties opposite.

Deputy Frank Feighan: It has not.

The Taoiseach: The meeting that is taking place today, at which the Minister for Finance, Deputy Brian Lenihan, is representing Ireland, is a meeting of the euro group finance Ministers, ECOFIN. There has been rumour and conjecture for some time regarding Ireland's position, which I clarified a number of times over the weekend, as did the Minister. Despite suggestions to the contrary from whatever quarter — including some who may not be disinterested — this country has not applied to use the European financial stability facility. We made the point, as we have done previously, that we are pre-funded up to mid-2011.

As people also know, there has been a continuing problem with regard to underpinning banking and financial stability in the euro area generally, and the peripheral countries — including Ireland, because of the size of our deficit, the banking crisis and other issues — have had to deal with this. All of the policy initiatives we have taken were with the consent and approval of the EU institutions. Many of the proposals put forward by the Opposition, unfortunately, would not have obtained approval.

Deputies: How does the Taoiseach know?

Deputy Olivia Mitchell: He never put any of them forward.

An Ceann Comhairle: No interruptions, please.

The Taoiseach: The idea of default as a way of dealing with this matter is far wide of the mark.

Deputy Brendan Howlin: My way or no way.

The Taoiseach: The fact that people opposed——

Deputy James Reilly: The Taoiseach is not in the real world.

The Taoiseach: ——the National Asset Management Agency, which is the means by which we have segregated assets in a transparent way, using the——

Deputy Simon Coveney: He has the cheek to lecture us.

The Taoiseach: I am just dealing with the facts.

Deputy Alan Shatter: For someone who destroyed the country, a little humility might be a good idea.

The Taoiseach: NAMA has used the office of the Financial Regulator to outline those distressed assets and the level of loss involved in them. All of these actions by the Government have been in an effort to show that we are doing all we can within our power to deal with the situation that has arisen. We are making sure we work with our partners in the European Union in dealing with the issue that now affects the entire euro area. It is not specific to Ireland. Of course, Ireland has its own issues, which it has been talking about with the European Union institutions on an ongoing basis since the crisis first began. What we need to do is to allow those discussions to take place at the meeting of euro area finance Ministers, and presumably a statement will emerge. We will then be in a position to come back to the House after the ECOFIN meeting to discuss this further. I do not think it does the country any good to engage in controversy here while people are representing our essential national interest abroad. We are all trying to make sure Ireland sees its way to recovery from this difficult period.

Deputy Pat Rabbitte: It is a bit too late for that.

Deputy Alan Shatter: We should just stay quiet.

Deputy Bernard J. Durkan: What happened to the green shoots and soft landing we heard about?

Deputy Enda Kenny: The Taoiseach has had his opportunity to see that Ireland makes its way to a prosperous future and he has failed in that duty. The head of the Centre for European Policy Studies said this morning that the September 2008 bank guarantee, and the way in which it was constructed, had led to the downfall of this country.

The Taoiseach talks about speaking the truth. This House and the Irish people were never given the full facts——

Deputies: Hear, hear.

Deputy Enda Kenny: ——in the past by the Financial Regulator, the Central Bank, the Department of Finance, the various Ministers for Finance and the Taoiseach. We have never been told the full truth.

It is my belief that a bailout is not inevitable. That means that if we get a few things right, it will not have to happen. First, the Government must restore the confidence of other governments, the markets and the international community, so that they will actually believe its words; second, there must be a parliamentary majority in this House with the moral authority and political credibility to make the necessary changes; and third, there must be a proper growth plan to demonstrate to others that we are serious about our business and about the future. The Taoiseach has failed on all three of these fundamentals.

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

Deputy Enda Kenny: As Seán Lemass said, we cannot opt out of the future. This is a democracy and people died on the streets for it. It will not be closed down by incompetence. It will not become the laughing stock of Europe.

Deputy Noel Dempsey: It will not.

Deputy Enda Kenny: If the Taoiseach wanted to do his patriotic duty as Seán Lemass described, he would leave this House and let the people decide.

Deputies: Hear, hear.

Deputy Enda Kenny: The Taoiseach should not be deceived; the people are not mocked. The time has come——

An Ceann Comhairle: A question, please.

Deputy Enda Kenny: ——because he has lost the authority to govern. If he wants to do something in the national interest, if he wants to do his national duty and act as a patriot, he should let the people decide. He should leave this place, go to *Áras an Uachtaráin*, tender his resignation and let the people make a decision about the kind of Government they want to lead our country into the future.

Deputies: Hear, hear.

The Taoiseach: Practically every week during this session Deputy Kenny has made similar remarks about the situation in which the country finds itself.

Deputy Bernard J. Durkan: What does the Taoiseach want — applause?

Deputy James Reilly: It is because every week the situation gets worse under the Government.

The Taoiseach: I accord respect to the Deputies' leader. They might reciprocate now and again.

I do not accept for one moment that this Government has acted other than in the best interests of the country and competently in every respect in dealing with a crisis of such magnitude.

Deputy Alan Shatter: It created the crisis. It is responsible for it.

The Taoiseach: I say that fully——

Deputy Alan Shatter: Now it wants praise for trying to tackle it incompetently.

An Ceann Comhairle: Deputy Shatter, the Taoiseach is in possession.

Deputy Alan Shatter: It is a farce.

The Taoiseach: The situation in which this country has found itself since mid-2008——

Deputy Bernard J. Durkan: Who created the crisis?

The Taoiseach: We have dealt with these matters appropriately and introduced measures which have been appropriate in all circumstances.

The issue of the guarantee was raised by Deputy Kenny again. The post-mortem Honohan report makes it clear that a guarantee was needed.

Deputy Enda Kenny: That 70% of it was our own fault.

The Taoiseach: Yes — otherwise——

Deputy Alan Shatter: The insolvency of Anglo Irish Bank is why we are where we are.

The Taoiseach: Otherwise——

(Interruptions).

An Ceann Comhairle: The Taoiseach without interruption, please. Deputy Shatter will be leaving the House.

The Taoiseach: Either we want to use the House as a place for important debate or we do not. It is not a place for shouting each other down.

Deputy Róisín Shortall: The Taoiseach should stop misrepresenting the facts.

The Taoiseach: There we go again.

The guarantee was required. If people want to talk about the subordinated debt, which made up 3.3% of the total volume, they can do so. Overall, however, there is no doubt that a guarantee was required to avoid an economic implosion. That is the truth.

Deputy Brian Hayes: Including Anglo Irish Bank.

The Taoiseach: Yes. That was unfortunately also a bank of systemic importance, as confirmed in the report by the Governor of the Central Bank.

Deputy Olivia Mitchell: The Government told us it was just a liquidity problem.

The Taoiseach: If Deputies have a problem with that, they have a problem with the Governor and the authors of the other reports. Those are the facts. We obtained EU approval for those guarantees. There was no existing European system at the time. We had to act in the national interest, and it has been confirmed subsequently that some banks would have had to close their doors in a matter of days had the guarantee not been established.

Other countries have introduced similar State guarantee schemes to deal with their banking systems. Governments throughout the world have had to intervene due to the impact of the financial crisis. To suggest that Ireland, uniquely, would have been immune is to refuse to face the facts. Yet it continues even now, after all that has been said and written about the crisis by those who examined the facts. We subsequently recapitalised the banks because we needed to

do so, and then we segregated the distressed assets and parked them in the National Asset Management Agency.

Deputy Joan Burton: That is a disaster.

Deputy Brendan Howlin: It has all failed.

The Taoiseach: Throughout all of that, the Opposition, for its own reasons——

Deputy Leo Varadkar: We were right. The Government's policies were wrong.

The Taoiseach: ——decided that default was the way to deal with the situation, or that the Icelandic solution was required. That is not true. The way we are dealing with it at the moment is as follows.

Deputy Brian Hayes: In everything the Government has done it has failed.

An Ceann Comhairle: Deputy Hayes, please.

The Taoiseach: The market situation is as it is. The cost of money is simply too high. We know that.

Deputy Kieran O'Donnell: Why?

The Taoiseach: That is the view of the markets at the moment.

Deputy Kieran O'Donnell: Why?

The Taoiseach: This country and other countries in the euro area are facing concerns regarding this matter precisely because——

Deputy Brian Hayes: Because the present Government is still in office.

The Taoiseach: ——we need to find further initiatives within the euro area to deal with that matter. That is precisely why those discussions are ongoing, with the Minister for Finance, Deputy Brian Lenihan, attending today representing our interests in that matter. That is what we will be doing in the coming days and weeks as we seek to address the issue.

Deputy James Reilly: To continue the Government's success.

Deputy Eamon Gilmore: I want to ask the Taoiseach what is going on. Last week the cost of State borrowing reached record levels and last Thursday morning I asked the Tánaiste on the Order of Business if the Minister for Finance was going to make a statement either that day or sometime over the weekend about the very turbulent financial situation the country was facing. No such statement was made. However, we had a series of quite extraordinary developments over the weekend. On Friday morning we had the statement that emerged from the meeting of the G20 in Korea. By lunchtime of that day there was speculation in news media outside the country either that Ireland was seeking some kind of state bailout or that some kind of European support for the State was being discussed. All through the weekend the Taoiseach and some of his Ministers were making statements to the effect — as he repeated in reply to Deputy Kenny — that no application for European assistance or no application to the European fund was being made.

We need to get some clarity. I am not sure what the Taoiseach was saying in reply to Deputy Kenny. I accept what has been said that no application has been made. What types of contacts

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have been taking place between the European institutions and the Government over the course of the weekend? Were they at Central Bank level, official level or ministerial level? Has there been any suggestion from European sources that some assistance is to be provided to the State or is it the case, as is being speculated in this morning's newspapers, that what is now being discussed is in effect another bailout for the banks, this time through the European institutions? What are the implications of that for the State's finances? In his reply to Deputy Kenny the Taoiseach appeared to be acknowledging that the Irish banks now need a further bailout. I believe the phrase he used was "banking stability"; he made a couple of references to that. The people want to hear a clear statement from the Taoiseach as to what is going on, what is being negotiated, what kinds of conditions are being attached to it and over what period of time.

The Taoiseach: I made it clear yesterday evening that I am not responsible for the rumour mill all over Europe or elsewhere. I was told last Friday that, as Head of this Government, I had made an application at that stage to enter a facility, which was not true. Despite the fact that I said it was not true, the person who asked me the question seemed to think it was true. What I was indicating was that the suggestion that we had applied to enter a facility was not correct. At the G20 meeting in Seoul obviously discussions took place on the currency situation worldwide, including the euro. Obviously the situation in Ireland and other countries, which has been the source of public comment for some time, was mentioned there as well. What was welcome about the Seoul statement from the finance Ministers concerned was that should the question emerge at the December Council meeting regarding private sector involvement in the whole question of public debt and how that was to be paid off in the future, in the event of there being problems in any particular situation, which is not ours, that would mean it would only relate to debt that would take place after 2013. That provided a lot of reassurance, presumably, to the markets which were interpreting comments on this matter in previous weeks as if it related to debt — existing debt or debt that was already within the overall public debt portfolio of states, which was not the situation. That is from where that emerged.

The second point that emerged was that, as I have already said, discussions have been going on all the time on the whole banking situation — generally the European Central Bank and the central banks themselves. The European Central Bank, governing bodies and governors have all had their views on these matters. At the end of the day I was simply confirming a fact as far as Ireland was concerned, which is that we had not applied to any facility and despite the fact that it was being mentioned in a lot of so-called reputable news organisations it did not make it any truer. That is the first point.

The second point relates to the wider issues that have emerged regarding the currency itself. Market conditions have not normalised as we can see. There are concerns out there regarding the markets. From our point of view it gives rise to concerns. We are discussing with other European partners what stabilisation is necessary and what further policy initiatives might be considered. That is an issue that is being discussed at ECOFIN level and finance Minister level on an ongoing basis at their monthly meeting and obviously officials have been involved in those discussions, but we have not been involved politically in those discussions until such time as today's meeting takes place. I mentioned I took a phone call from the President of the Commission last Friday and I made it very clear, if anyone wanted to know, that we had not made any applications for the facility and obviously he was happy for me to confirm that.

These are matters at all times for sovereign governments. At the moment we are making sure that regarding our own situation it is understood that we are pre-funded up to the middle of 2011. Regarding banking policy, we have taken all the necessary steps with full transparency — a lot more transparency than might be attempted to be conveyed by others — regarding

how we are dealing with our banking situation. We have done the guarantee; we have done the capitalisation; we have segregated the assets; we have set a very rigorous test on the capital requirements of banks — it is 8% tier 1 capital requirement, including 7%——

Deputy Pat Rabbitte: And it has not worked.

The Taoiseach: However, we have provided all that and the markets are pricing——

Deputy James Reilly: Correspondingly.

The Taoiseach: —— not just for this country but throughout the euro area where one has seen changes regarding spreads. That is a fact of the situation. We are prepared to work with others — with our counterparts in the euro area — to see in what way we can help address that issue and help to normalise market conditions. From our point of view, it is not appropriate to suggest that we are doing anything other than protecting our interests and ensuring that our national interests are understood. We will work constructively with people on that basis as part of our international obligation as part of a euro area that is wider than our own jurisdiction as we know and that is what we are doing. For people to be coming to conclusions about those discussions before the conclusions have even been reached as we speak does not serve our interests in any way either because there has been far too much speculation on those matters. While I am not saying it is anybody in this House, there are some who have been involved in those sorts of public positions being taken, who perhaps are not exactly disinterested themselves in what might emerge in terms of what they could get out of it.

Deputy Eamon Gilmore: I accept that the Taoiseach is not responsible for the rumours and speculation in the international media, but he and his Government are responsible for putting those rumours to rest and for settling the position. Unfortunately, that has not happened over the course of the weekend. The Taoiseach continuing to rely on the phrase that the Government has not made an application to the European fund does not address the issue.

I asked the Taoiseach a direct question. I accept that no application has been made, and I accepted that on Sunday when I was asked about it by a journalist. However, the issue remains that we need to be told, because there is speculation about it not only in our media but also in the international media, including it being the subject of comment today in the *Financial Times*, whether discussions are taking place about assistance being provided to the State, in the first place, and, second, about the question of additional funding for the Irish banks. It is important to address that.

I was interested to hear the comments by Daniel Gros of the Centre for European Policy Studies on “Morning Ireland” this morning. He made a direct connection between the State and what is happening in the banks. He said Ireland was the first country to say its government would guarantee all of the banks and every penny of their liabilities and that the decision, which looked smart then, is now the downfall of the entire country. He went on to say that, in his view, the financial markets were saying that the Government and the banks are the one thing as they are tied together. He elaborated further on that point.

All I am seeking from the Taoiseach is information. There is continuing speculation and comment in the media and among the public. It is one thing for the Taoiseach to tell the House that there is a general discussion about the eurozone area, but that is not the way it appears. Instead, it appears to be a specific discussion about Ireland’s difficulties and the consequences for the euro area. There is an obligation on the Taoiseach to level with the House and with the public about what exactly is happening, but he continually fails to do that and speak directly. There is no point in being cagey and coy about this now, because it is being discussed

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anyway. Are we talking about assistance for the State? Has that been offered? Are we talking about assistance for the Irish banks? The Taoiseach must tell us exactly what is happening because it is being discussed anyway.

To say that these discussions are taking place at ministerial level and when they are concluded we will receive a report would be perfectly in order in normal circumstances, but it is not in order now. What is being discussed at that level is the subject of speculation and the Government's response to that over the weekend has not settled markets, public opinion or sentiment or international comment about this country.

The Taoiseach: As I said to the Deputy, I have always levelled with the Irish people and have always defended their interests. Some people would have liked to have had Ireland apply for this facility, with no prospect whatever of Ireland being able to put its case. Ireland has a case to put with regard to all of these matters.

Second, there is the question of market risks. Of course we are working with others to see how we can ameliorate market risks, but we are also in the business of trying to ensure that what emerges for Ireland and the euro area will be about bringing the type of stability that is supposed to be the objective of the policy in the first place. We have done everything we were required to do in best practice, and we have done everything transparently and above board. The market's sentiment or position is not normal at present. It does not look to the underlying strengths of economies or to the fact that we expect to have a net debt to GDP ratio of 83% this year when one takes account of the National Pensions Reserve Fund.

There are a range of issues here, including whether, if the market wishes to act completely irrationally, one is supposed to be enslaved to that and allow it to determine the matter. What we are trying to do——

(Interruptions).

Deputy James Reilly: There is only one certainty, that it is not your fault.

The Taoiseach: If the Deputies are not going to be serious about it, they are better off saying nothing. They are doing enough harm.

The issue is very simple. We are in discussions with our European counterparts to see how we can assist to ensure that market risks are taken out of the equation. We are not in the market at present. We are seeking to ensure that we underpin stability for the entire euro area, including Ireland because we are part of that area. We are working with others to see what will emerge from the discussions taking place at present.

Deputy Jim O'Keeffe: Does that involve us taking money? If so, how much and from whom?

The Taoiseach: Until such time as those political meetings take place this evening and among the 27 member states tomorrow, one is not in a position to hear what the overall EU position is. However, the ongoing discussions——

Deputy Joan Burton: We are concerned about Ireland.

The Taoiseach: ——by Irish officials have been to ensure that people understand what the Irish position has been,——

Deputy Joan Burton: Tell us.

The Taoiseach: —what the basic strengths of our economy have been and why we should be part of the discussions that are ongoing at present.

An Ceann Comhairle: That concludes Leaders' Questions.

Requests to move Adjournment of the Dáil under Standing Order 32

An Ceann Comhairle: Before coming to the Order of Business I propose to deal with a number of notices under Standing Order 32 and I will call on Deputies in the order in which they submitted their notices to my office.

Deputy Olivia Mitchell: I seek the adjournment of the Dáil under Standing Order 32 to debate the following urgent matter: the need for a debate on the current bailout crisis; the need for solidarity in the face of external attack; the need to debate all our other options no matter how appalling they may be; the possible potential of an immediate all-party budget to defuse the current crisis; the absolute imperative of resisting external pressure to seek a bailout which would lock us indefinitely into penal bond rates; the need to remind other countries, particularly Germany, that it was low interest rates, especially in the 1990s, dictated by Germany and designed to support its sluggish economy even while it was inappropriate to ours that at least in part caused our property bubble and the requirement for it to reciprocate that support and to respect our national determination to retain our sovereignty.

Deputy Aengus Ó Snodaigh: Ba mhaith liom an Dáil a chur ar athló chun déileáil leis an rún seo atá gá plé leis go práinneach: the urgent need for the Government to intercede with the Israeli authorities and to condemn the fact that the rogue state is preventing Shawan Jabarin, a leading Palestinian human rights activist, from travelling to Ireland to receive an award from National University of Ireland, NUI, Galway; to welcome the recent Irish efforts at European level to prevent Israeli access to the personal data of Irish citizens; to note that such concrete efforts by Ireland to stand up to Israel are long overdue; to express deep disappointment and anger that those efforts were unsuccessful and to call on the Government to take a further stand and demand the European Commission give due regard to the democratically expressed wishes of the Irish people and halt the planned agreement.

Deputy Seán Power: I seek the adjournment of the Dáil under Standing Order 32 to debate the following urgent matter: the recent speculation that Ireland will be forced to accept assistance from the stability fund and the International Monetary Fund, IMF.

An Ceann Comhairle: Having given the matters full consideration, I do not consider them to be in order under Standing Order 32.

Order of Business

The Taoiseach: It is proposed to take No. 4, motion re referral to joint committee of proposed approval by Dáil Éireann of the Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data from the European Union to the United States for the purposes of the Terrorist Finance Tracking Programme; No. 5, motion re Value-Added Tax Consolidation Bill 2010; No. a13 on a supplementary Order Paper, statements on the financial stability development in Ireland and elsewhere; No. 13, Value-Added Tax Consolidation Bill 2010 — Order for Report and Report and Final Stages; No. 14, Prevention of Corruption (Amendment) Bill 2008 — Order for Report and Report and Final Stages. It is proposed, notwithstanding anything in Standing Orders, that Nos. 4 and 5 shall be decided without debate and the proceedings on No. a13 shall, if not previously concluded, be brought to a conclusion after 40 minutes and the following arrange-

[The Taoiseach.]

ments shall apply: the statements shall be confined to the Taoiseach and to the main spokespersons for Fine Gael, the Labour Party and Sinn Féin, who shall be called upon in that order and who may share time, which shall not exceed ten minutes in each case. Private Members' business shall be No. 77, motion re nursing home care. Are the proposals for dealing with Nos. 4 and 5 agreed? Agreed. Is the proposal for dealing with No. a13 agreed to? Agreed.

Deputy Enda Kenny: Will the Taoiseach confirm the date the four-year fiscal plan will be presented? Is it next Tuesday, as has been reported?

I am sure the Taoiseach is as interested as I am that the law of the land should apply. Last week, I raised the matter of encrypted files held by Anglo Irish Bank which are not accessible to the investigating authorities and which may contain information they may be seeking. I understand it is entirely within the competence of the bank's IT section, which the Taoiseach owns, to have these files opened. As the owner of the bank, I request the Taoiseach would follow this up so the authorities can pursue their responsibilities and, if necessary, that the law be brought to bear on those responsible for what might be criminal activities.

The Taoiseach: As soon as the fiscal policy plan is approved by the Government, it will be published. It is at an advanced stage of preparation and the Government has still to discuss, finalise and approve it. We will do that as soon as it is possible.

I said here before that I was hoping it might be available for publication, assuming approval will be given, at the beginning of next week. However, I cannot anticipate the outcome of discussions at Cabinet that must take place. We are working to an indicative schedule and we are doing the best we can. Obviously, the plans have to be finalised. There has been much budgetary debate, which I facilitated, to get to a position where we can discuss the four-year plan in detail. That has taken somewhat more time than expected but much progress has been made.

The authorities will obviously use all the powers available to them to obtain lawfully any information they regard as germane or helpful to the investigation in question.

Deputy Eamon Gilmore: What is the date for the publication of the four-year plan? I understood from previous replies given by the Taoiseach that it was intended to publish it some time next week. Reports this morning suggested the Government would bring forward its publication date to earlier than recently stated. Does the Taoiseach's reply to Deputy Kenny mean it will be published earlier than next week?

The Taoiseach: What I am trying to outline to the House in a straightforward and honest fashion is that the plan is being prepared and finalised. It has to be discussed and approved by the Government. I facilitated much discussion about budgetary issues already and much progress has been made in this area. However, the four-year plan has further issues and policies that need to be addressed. I hope this will begin soon and be concluded as soon as possible thereafter. The plan will be published when it is finalised and approved by the Government. We indicated an indicative timetable of around mid-November. We are at that point but we are not ready to publish it because we have not yet finalised, discussed and approved it. We are working on it as a matter of priority.

Deputy Caoimhghín Ó Caoláin: It had been announced the publication of the fiscal plan was to be brought forward for Monday next week. It is disappointing to hear this will not now be the case. Will the Taoiseach clarify the Dáil is sitting for all its scheduled working days in the coming week?

I regret the Government has attempted to dismiss and rubbish the Ombudsman's report on nursing homes, Who Cares? The Ombudsman is clear that in 2001 when her predecessor published a report on related matters, legislation was promised in the area.

An Ceann Comhairle: We are straying into an area other than promised business. This does not relate to promised business.

Deputy Caoimhghín Ó Caoláin: This is about promised legislation. I do not understand how the Ceann Comhairle cannot understand what I have just said.

An Ceann Comhairle: The Ombudsman's report is not promised legislation.

Deputy Caoimhghín Ó Caoláin: In response to the 2001 report, the then Government promised to introduce legislation for the eligibility for nursing home care. Almost a decade later, no such legislation has been introduced. We have a further report from the current Ombudsman highlighting the——

An Ceann Comhairle: Deputy, we will have to move on as this does not fall under the category of promised business.

Deputy Caoimhghín Ó Caoláin: I would ask all the members of the Government to move on. I am trying to highlight promised legislation that has not progressed in ten years. Will the Taoiseach indicate when this legislation will be published? Will the Government honour commitments made in 2001? How and when will the Taoiseach respond to the current Ombudsman's highlighting of this issue in her report, Who Cares?

The Taoiseach: There will be a full Dáil sitting week next week.

The Who Cares? report will be debated on Private Members' business this week. It is not true to say no legal certainty was brought to the situation. The nursing home support scheme had been enacted before the inquiry began. The Deputy referred to the eligibly for services legislation which must still come to the House. It is more likely next year than this because there are many issues which have arisen during the course of the year.

Deputy Joan Burton: Will the Taoiseach share with us the important message all the Ministers are absorbing so intently on their mobile telephones? I hope it is good news but it looks very bad judging from their colour.

The Taoiseach: It is telling them Deputy Burton has stood up in the House.

Deputy Dick Roche: It is telling us that the lecture in economics 101 is about to begin.

Deputy Joan Burton: Some of the Ministers have not even looked up from their telephones yet.

An Ceann Comhairle: Will the Deputies refrain from engaging across the floor?

Deputy Bobby Aylward: Somebody send her a message.

An Ceann Comhairle: Will Deputy Burton address her remarks through the Chair?

Deputy Dermot Ahern: We have more important things to do than listen to the Deputy.

Deputy Joan Burton: The motion on the Credit Institutions (Eligible Liabilities Guarantee) (Amendment) (Number 2) Scheme 2010, a continuation of the bank guarantee, is to conclude

[Deputy Joan Burton.]

before 5 p.m. tomorrow. Will the Taoiseach give an undertaking to the House that the Minister for Finance will take this debate, given that——

Deputy Dick Roche: That is impossible as he will be at the ECOFIN meeting.

Deputy Joan Burton: ——the stabilisation and further bailout of the banks being negotiated by the Government is a matter of national importance that the Minister himself should address, not a Government representative or a Minister of State? I suggest the concluding time for this debate might be deferred to provide for the Minister's return from Brussels to facilitate a proper discussion in the Dáil.

An Ceann Comhairle: These matters can be discussed by the Whips.

Deputy Joan Burton: Will the Taoiseach agree to this?

The Taoiseach: That matter will have to be taken up with the Whips. It is a question of the Dáil taking on board the scheme, approved by the European Union, to extend the eligible liabilities guarantee scheme for a further period.

Deputy Emmet Stagg: The Taoiseach then has no objection to Deputy Burton's request.

The Taoiseach: I am trying to be helpful. It is a matter for Deputy Stagg to use any powers he still retains to see if he can make any changes in this area that would accommodate his spokesperson.

Deputy Pat Rabbitte: Every Deputy now believes there is a real danger that the banks will cannibalise the State. When will Ireland have a bank resolution Act?

The Taoiseach: I am not aware that such legislation is envisaged on this matter.

Deputy Joan Burton: The Minister for Finance says it is.

The Taoiseach: I am sorry. There is a proposal about which the Minister has been speaking, but I cannot give the time or date for it. As regards the issues that have arisen, every effort is being made by the Minister for Finance, Deputy Brian Lenihan, to ensure that the Irish case is understood and to ensure that there is a lot of support for Ireland in respect of everything it has done to date. It is in our interests that market conditions normalise regarding this situation. Anything we can do therefore to facilitate a stabilisation of that situation within the euro area is something to which we are all attuned at the moment.

5 o'clock

Order of Business agreed to.

Proposal for Transfer of Financial Messaging Data: Referral to Joint Committee

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

That the proposal that Dáil Éireann approves the exercise by the State of the option or discretion under Protocol No. 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, to accept the following measure:

the Agreement between the European Union and the United States of America on the processing and transfer of Financial Messaging Data from the European Union to the United States for the purposes of the Terrorist Finance Tracking Programme,

a copy of which was laid before Dáil Éireann on 20th July 2010, be referred to the Joint Committee on Justice, Defence and Women's Rights in accordance with paragraph (2) of the Orders of Reference of that Committee, which, not later than 30th November, 2010, shall send a message to the Dáil in the manner prescribed in Standing Order 87, and Standing Order 86(2) shall accordingly apply.

Question put and agreed to.

Value-Added Tax Consolidation Bill 2010: Motion

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

That, notwithstanding anything in Standing Orders, in the case of the Value-Added Tax Consolidation Bill 2010—

(a) Report Stage shall be taken today, Tuesday, 16th November, 2010; and

(b) Fifth Stage shall be taken immediately after the conclusion of the proceedings on Report Stage.

Question put and agreed to.

Financial Stability Development in Ireland and Elsewhere: Statements

The Taoiseach: We are all well aware that there has been much comment and speculation in recent days on developments within the euro area and especially with regard to Ireland. We are living in a fragile atmosphere and we need to be careful about what we say so that we do not add to that turbulence.

Since the middle of 2008 we have taken significant steps in response to the rapid deterioration in our public finances in order to stabilise the situation and begin the process of returning this country to a sustainable fiscal position.

In total, adjustments amounting to close to €15 billion have been implemented over the course of the past two and half years. The measures we have taken are working. Our deficit for 2010 is estimated, on an underlying basis, at 11.9% of GDP this year. This is broadly in line with our budget day forecast and provides further evidence that the public finances are under control. We will therefore achieve our aim of stabilising the underlying deficit this year at the 2009 level.

Those who are now commenting on Ireland's financial situation should also remember that the Exchequer is fully funded into the first half of 2011, so the impending sense of crisis that some wish to suggest the Irish State faces is not a fair reflection of all the facts.

Our gross level of general Government debt will increase this year, to around 98.5% of GDP, but a large part of that is due to the statistical accounting treatment of the capital support being provided to some of our financial institutions. Statistically, we are taking the hit upfront but in reality we are borrowing the money over a much longer period.

Taking account of the substantial assets of the National Pensions Reserve Fund, our net debt to GDP ratio is better, estimated at around 83% at the end of 2010.

[The Taoiseach.]

While substantial progress has been made in tackling and stabilising the deficit, this Government is acutely aware that further measures will be required to restore sustainability to the public finances. That is vital to underpin future economic growth.

Despite the weaker economic outlook we remain fully committed to reducing the general Government deficit to below 3% of GDP by the end of 2014. This means budgetary adjustments of some €15 billion must be implemented over the course of the next four years, which is a significant amount by any measure. Let us not forget, however, that we have already implemented measures worth close to €15 billion since mid-2008, at a time of economic decline. The €15 billion in adjustments can be delivered in a way that will allow the economy to return to growth.

Our revenues and our spending are out of line to the tune of €19 billion and this is a gap that is currently being filled by borrowing. That cannot continue. We must continue along the road of budgetary consolidation which we first embarked upon in 2008.

With a significant front-loading of consolidation into 2011, we will have completed two thirds of the overall adjustment by the end of next year. This will demonstrate clearly to all that we take our commitments seriously and that we will take the necessary actions to return this country to a sustainable fiscal position. We will stabilise our gross debt to GDP ratio over the 2012-13 period.

A four-year budgetary plan is being prepared and will be published shortly. The plan will be clear and workable and will map out a way forward to national recovery. The plan is not just about cutting the budget deficit, as important as that is; it is also about setting out the key reform measures that the Government has decided to take to restore competitiveness, boost employment and return us to a sustainable medium-term economic growth path.

The recent increase in our bond spreads is of course a concern. However, it is important to remember that we are not currently active in the market so we are not borrowing at the current elevated levels. The NTMA decided to withdraw from the market until early next year to allow markets to digest the end-September statement on banking, the upcoming four-year plan and budget 2011.

As I have already mentioned, we are fully funded into the first half of next year so there is no immediate funding pressure on the sovereignty. Clearly, there is a need to bring stability to markets here and elsewhere, as the current costs of borrowing are very high and are at a level that would make it difficult for banks here to operate as engines of recovery.

It is important to point out that the European Central Bank continues to meet the liquidity requirements of the banking system. In addition, this Government's priority throughout the banking crisis has been to safeguard deposits, and this is a concern shared by governments across Europe and by the European Commission.

I want to take this opportunity to reiterate the strength of the Government's commitment to safeguarding deposits in the Irish banking system in view of the recent ill-informed and inaccurate speculation by a small number of external analysts and commentators on this issue.

Tomorrow this House will consider a motion to extend the current bank guarantee scheme for a further year. This scheme guarantees the security of all deposits in the participating institutions in the scheme, along with that of other bank liabilities guaranteed under it. The scheme complements the protection afforded to all depositors up to €100,000 under the permanent deposit guarantee scheme which has no expiry date. The protection of depositors has been and remains one of the over-arching priorities of the Government in responding to the difficulties in the Irish banking system.

I wish to reiterate what I have been saying in response to speculation over the last number of days that Ireland is seeking financial assistance. Ireland has made no application for external support. The EU Commission has stressed this point as have other member states. Given the current market conditions, there have been ongoing contacts at official level with our international partners. The Department of Finance is continually in contact with these bodies. The engagement has been particularly intense in the run up to the budget and the four-year plan. The Minister for Finance has not been involved in these discussions. However, he is in Brussels this evening to discuss these issues with his eurozone counterparts at their usual monthly Eurogroup meeting, and he will also attend the usual monthly meeting of EU Finance Ministers tomorrow.

It is in all of our interests that we find a credible, efficient and, above all, workable solution that will provide assurance to the markets and thereby restore confidence and stability. There is no doubt that financial markets have been extremely volatile over recent weeks and we need to provide them with a level of reassurance. However, this is not an insurmountable challenge. Through working together with our partners in a calm and rational manner, we can resolve these issues and underpin financial stability in the medium and longer term.

The strategy being pursued by Government has addressed the difficulties facing the banking system, is bringing sustainability to the public finances and is resulting in ongoing improvements in competitiveness. Pursuing these policies is essential for a return to growth, the evidence of which we are already beginning to see.

I am also encouraged by the broad consensus among the main political parties on the need to reduce the deficit to 3% of GDP by 2014. Delaying taking action will only make the task more difficult and will add to our debt burden, so it is simply not an option. In his recent visit, Commissioner Rehn noted that our assessment was correct and agreed that significant front-loading, amounting to €6 billion for next year, was appropriate.

Growth is returning to the Irish economy, so that the environment in which future adjustments must be made is different from that which prevailed in recent years. Our exports are performing well, as confirmed by figures this week which show that industrial production rose by 12% in annual terms in the third quarter. Our strong export performance reflects the significant price and wage adjustments that have taken place, which is testament to the flexibility of the Irish economy.

Another key fact is that Ireland remains an attractive place in which to do business. We continue to attract inward investment, notably in knowledge-intensive sectors. Ireland remains open for business and is still the destination of choice for many of the world's leading firms.

We have taken measures to ensure that the banking system can continue to function as a vital element of our economy. These measures have been approved by the appropriate European authorities and supported by the European Central Bank.

The turbulence in the markets over recent weeks has been about issues of wider concern than Ireland's situation. It is appropriate therefore that we discuss with our partners, as we are doing, how these issues should best be addressed. Through the clarity and determination of the Government's position on stabilising the public finances and restoring growth, we can create the conditions through which confidence in the Irish economy will be maintained on the part of citizens, investors and our international partners.

Deputy Enda Kenny: There is nothing new in what the Taoiseach announced compared to what we have heard already. Ireland is on the front page of major international newspapers

[Deputy Enda Kenny.]

again today for all the wrong reasons. The country is on the airwaves of our nearest neighbour again today for all the wrong reasons. Let us be clear that it is not because the bond markets, the EU or the international media have lost faith in Ireland. They have not. They have not lost faith in the Irish people. They have not lost faith in Irish resilience, ingenuity, energy or education. They have lost faith in a Government. They have lost faith in a Government that boasted about a bank bailout it said would be the cheapest of its kind. It has turned out to cost more than €50 billion, more money than this country drew from the social and cohesion funds since Ireland joined the EU.

To be clear for members of the Cabinet, this is not a crisis of liquidity for our banks, this is about their solvency. Liquidity was the argument used on the night of the bank guarantee to shoehorn Anglo Irish Bank into the guarantee, even though it was known by some that Anglo Irish Bank was trying to hawk itself to potential buyers in the week of the guarantee. That deception fooled people then; it will not wash today.

People have lost faith in a Government that, two years ago, brought in an emergency budget it said would stabilise the nation's finances. We are still waiting for that to happen. The world is now waiting for that to happen. They have lost faith in a Government that said it must cut €3 billion this year and, just two months later, has more than doubled that figure. They have lost faith in a Government that stood idly by as one of the world's greatest property bubbles swelled and burst.

The Government consistently turned a deaf ear to the calls from this side of the House and other quarters to reform the public service and put the citizens at the core of what Government does. Lastly, they have lost faith in a Government that does what all discredited regimes do in their dying days — use the courts to try to prevent the people exercising their right to vote. The international markets and the international community have not lost faith in Ireland. They have lost faith in the Government.

In particular, they have lost faith in the Government's policy on Anglo Irish Bank. Anglo Irish Bank was a disaster but it is not clear that this Government has learned the lessons. If media reports are to be believed, the Government seems intent on persisting with further bailouts of other institutions, this time with money borrowed from the EU and other European countries. For two years, the Government has talked about its bravery and courage in taking tough decisions and it has taken some. One of those supposedly tough decisions is that the taxpayer must bail out private investors in the banks to protect the State's credibility. This has proved to be a catastrophic error of judgment.

It is not the decisions that are tough or that require courage; it is the consequences of those decisions for every family in this country. Every family in this country now knows or is beginning to know a new poverty. Every family in this country now knows the new fear. What they need is competence in their Government, courage, clarity and consistency. This party can offer all four.

Deputy Paul Gogarty: Fine Gael continues to take money from banks, developers and vested interests.

Deputy James Reilly: Deputy Gogarty should keep reading his computer.

Deputy Paul Kehoe: Lackeys.

Deputy Enda Kenny: We are the only party with clear plans to rescue Ireland from the tsunami of misery this Government and the Taoiseach's party has visited upon the nation. We have not, would not and will not try to sweeten the bitter pill Fianna Fáil and the Green Party has forced this country to swallow. That bitter pill is the potential loss of a key aspect of our cherished freedom. This Government will be remembered for generations to come if that applies.

Fine Gael has set out how it will make cuts, effect savings, demand efficiencies and be able to pay back the mountain of debt left to the people. This House, this country and those who watch and listen around the world need to understand this economy can be repaired and Ireland will again be a beacon of enterprise and initiative.

The one tough decision this Government has not faced up to and which it does not have the courage to make is to ask the people to provide the mandate to do what must be done. If the Government makes that decision, everything can change for the better. Does the Taoiseach have the courage to put the nation first or will we continue to be dragged through the mire of uncertainty, fear and confusion the Government created and seems determined to sustain, even when the solution is clear and present? It is that mire of uncertainty, concern and anxiety that one independent commentator described as the downfall of the country. This is a downfall that sees sons and daughters of proud Irish mothers and fathers reared once again for export. It may be that their remittances from Dubai, Sydney and Toronto will replicate what happened in the past. It is a downfall that sees young and old in ever-lengthening dole queues as we break economic records and make international headlines for all the wrong reasons when things could be so different. It is a downfall that has seen the hope and ambition of a generation of Irish people crushed by the political and economic madness of a golden circle at which the Taoiseach's party was at the heart.

Before the full impact of this downfall unfolds, the Taoiseach has an opportunity to do something in the national interest. People talk about the budget. The Government has a majority to vote in favour of the budget but that will not end the uncertainty in the new year, with the Supreme Court making its decision on Donegal South-West, a further three by-elections pending, the Finance Bill to give legislative impact to the budget and the bond markets still having gross uncertainty about the political stability of this country. In the national interest, the Taoiseach can let the people have their say. Hundreds of thousands of people are concerned about their country, their futures, their families, their businesses and their careers. They should have the opportunity to have their say and provide a mandate for what must be done in the future. The Taoiseach should let the people have their say in order to shape the future destiny of our nation. Let the people decide who will run the country. This is their decision. This should be their decision because the Government has lost the authority to govern.

With regard to the bank investors and bondholders, what is needed is a new Government with a strong mandate from the people. The Taoiseach may not like what they have to say but they are entitled to be heard. The choice is clear. The Taoiseach should give the people their opportunity and let the people have their say. A new future and a new direction for our country will bring about a change of confidence, a new stability and a new future.

Deputy Eamon Gilmore: This country's best days are ahead of it. This country's economy has great strengths. I agree with some of the things the Taoiseach has said in the House today, that, for example, our exports are growing and that this is a good country in which to do business. I believe we will get through the economic crisis the country is now facing. I believe

[Deputy Eamon Gilmore.]

also that the majority of people in this country want to put their shoulder to the wheel to help us do that.

We have a big problem, namely, that there is no sense that anybody is in charge. I am not sure why the Taoiseach made this statement today. I am not sure what it adds to the sense of confidence or lack of it in the country. It certainly does not add anything to clarity about what is happening at the moment to our finances and in regard to discussions that are taking place with Europe.

In the course of the past fortnight we have seen a dramatic increase in the cost of borrowing for the State. It reached a peak of approximately 9% last week. It still remains at approximately 8% today which is really at crisis levels. That is the market sentiment. That is what the Taoiseach calls irrational. That is where we are at after, as the Taoiseach has said, budgetary adjustments of the order of €14 billion to €15 billion have been made already. An announcement has been made by Government that it is committed to saving another €15 billion, €6 billion of it in the coming year. It comes shortly after a statement by Government that we had got the final figure for the money that was to go into the banks. The Taoiseach has acknowledged that it is also in a context where the main Opposition parties are committed to getting our deficit down to the targets that were agreed with the European Commission.

It is manifestly clear that the markets are not responding to all of the signals coming from this country. It is clear that they are not responding because they do not see the problem as purely a public finance or budgetary issue. They see a country where the banks have been tied at the hip to the State as a result of the bank guarantee that was introduced in September 2008. In addition, they have also lost confidence in the Government, as indeed have the people.

The Taoiseach has referred to the problem as being a general European one. I accept there is a European problem. Europe has a responsibility to work with this country to resolve the problem. I accept that the issue does not relate solely to the Irish national interest. The reality is that it is this country which is now at the apex of that storm. It is Ireland that is at the centre of international attention and is the story in all of the various media. In that context, there is a responsibility on Government to clarify what is happening. That has not happened in the House today. What we got over the weekend was a series of qualified denials from Ministers and official sources. There have been stories, speculation and ponderings in the international media and comments from European Central Bank sources about hypothetical talks. We need to know what has happened. The Taoiseach has told us that there have been discussions at official level but that no Ministers have been involved. We must take that at face value. It is astonishing that given what has been happening over the course of the weekend and in recent days that there would not have been direct ministerial involvement in the discussions that have been taking place. There is speculation that this country is in bailout territory as far as the European institutions and our banks are concerned. That is adding to the worries people already have.

People have been affected directly by the crisis that has occurred. More than 400,000 people are out of work. Many people have lost businesses. Many businesses are not able to access credit from the banking institutions. Large numbers of people have mortgages. Many of them are in negative equity and are worried about how they will pay. In addition to the worry of families that are seeing their children, many of them well educated, having to emigrate in order to make a future for themselves, people are now seriously worried about the future of the country's economy and finances and its economic sovereignty and independence. There is a mood across the country that we are about to lose our economic independence if in fact we

have not already done so. There is a responsibility on the Taoiseach and the Government to address that in an upfront way. His statement does not do that.

It is not just what is happening now. It is the sequence of things that have happened. We can go back over the history of how the Government managed or mismanaged the economy. We can go back over the decision on the bank guarantee which the Taoiseach told us would not cost the taxpayer anything. We now know the consequence of that. We can go back over the mistake and tragedy it was to provide the guarantee to Anglo Irish Bank and the Irish Nationwide Building Society and the consequences that has had for the banking system, the country and the economy.

The Taoiseach: The Deputy is rewriting history.

Deputy Eamon Gilmore: All of that has contributed to a situation where the credibility of the Government has been shot and where confidence in the Government both at home and abroad is at an all-time low. I drew attention to the comments made by Daniel Gros of the Centre for European Policy Studies this morning where he set out clearly that the banking guarantee has led to the economic downfall of the country and that the consequence of that guarantee is that the fortunes of the banks and of the State are now perceived to be as one by investors and others outside of the country. That is what has us where we are.

The Taoiseach indicated that he wants market conditions to stabilise and that anything that can be done should be done, or that anything that he can do, he will do to make that happen. There is one thing he can do to help make that happen. That is for his Government to resign. That is necessary for a number of reasons. First, because any Government with any sense of self-respect that would have got the country into the mess that he and his Government have got it would do the decent thing and go. Second, even if that were not a consideration, what is now required is the change and the renewal of confidence that comes with giving the people the opportunity to have their say, to elect a new Government which will have a mandate for four to five years and that will provide a fresh start for the country.

Deputy Liz McManus: Hear, hear.

Deputy Eamon Gilmore: We can try, as we will at whatever opportunity is given to us, to defeat the Government in the House and to bring that about. We cannot force it unless the numbers so dictate — unless there are defections either by the Greens or by Independents or from the Government's back benches. However, the Government can decide to bring to an end the uncertainty and lack of confidence which the Taoiseach's and the Government's continuation in office is bringing down on this country.

Deputy Ruairí Quinn: Hear, hear.

Deputy Eamon Gilmore: That is something practical that the Taoiseach can do in order to stabilise market conditions and restore confidence in the country. It is simply unthinkable that the Taoiseach intends to continue to serve out the next 18 months or whatever is left of the normal life of the Government in circumstances where there is no confidence in the Government among the people and where clearly and more significantly there is no confidence in the Government internationally. Outside Ireland, people believe there will be a general election in the next 18 months.

An Ceann Comhairle: The Deputy's time has expired.

Deputy Eamon Gilmore: The Taoiseach can do something to restore confidence — put an end to it. Let the people have the opportunity to elect a new Government and give a fresh start to the country. Let us hope this will help provide the confidence required to restore the country's fortunes.

The Taoiseach: On Deputy Gilmore's own admission, he will not do what needs to be done.

Deputy Frank Fahey: Put Labour in coalition and——

An Ceann Comhairle: I call Deputy Morgan.

Deputy Brendan Howlin: Frank is going to contribute.

(Interruptions).

The Taoiseach: Deputy Gilmore will not do it. He admitted that on Friday night.

Deputy Eamon Gilmore: Let the people decide.

The Taoiseach: He will not do what needs to be done.

Deputy Bernard J. Durkan: Neither will the Taoiseach.

The Taoiseach: Deputy Gilmore admitted it.

Deputy Emmet Stagg: Is that a new cant the Taoiseach has?

Deputy Aengus Ó Snodaigh: He will not be around for much longer.

Deputy Arthur Morgan: If the Taoiseach was going to give us some information,——

(Interruptions).

Deputy Caoimhghín Ó Caoláin: Surely we could have a little order in the House for Deputy Morgan.

The Taoiseach: The Labour Party will not change anything. That is what it——

Deputy Emmet Stagg: The Government put us where we are.

Deputy Caoimhghín Ó Caoláin: Will the Ceann Comhairle establish order?

Deputy Joan Burton: Did the Taoiseach's analysts advise him of that?

An Ceann Comhairle: Deputies, please.

(Interruptions).

An Ceann Comhairle: Please, could we have silence for my constituency colleague, Deputy Morgan?

Deputy Arthur Morgan: If the Taoiseach would give the House real information, I would happily give way to him, but he said nothing in his ten minutes. He behaved exactly as he did during Leaders' Questions this afternoon, in that he danced on the head of a pin around a

concoction of words that was probably put together by an official in the Department of Finance and which provided no information whatsoever.

Let us be clear. I welcome the opportunity at any time to discuss this urgent matter in the House. In order to do so constructively, we need information from the Government as to what talks are ongoing in Europe and what talks have been held in Europe in recent days, but the Taoiseach told us nothing about them. He is hiding behind words. We are long beyond the stage of hiding behind words. The bluffing and fibbing that have been ongoing for two years are part of the problem because they are part of the reason the markets and the Irish people have no confidence in the Government. When will the Taoiseach ever learn? When will he consider returning honesty and integrity to the project that is government in this State? It does not exist currently. It simply is not there.

The banking crisis has been at the centre of policy and the Government for two years while the latter ignored any stimulus. By and large, it also ignored anything to do with job retention and job creation. It announced some 650,000 in the past six months, but where are they? This is further bluff and nonsense. In the same way, the House was misled in September 2008 when we were told the banks were not too serious a problem and that it was down to a liquidity issue. We were to get over that hump, introduce the guarantee and live happily ever after. It was nonsense. We now know that the Taoiseach was sitting in the Department of Finance with the very characters who, alongside the Government, created this mess. Did they not tell him the truth? According to some of the innuendo in reports, they shared with the Taoiseach how seriousness of the situation.

The Taoiseach: Innuendo.

Deputy Arthur Morgan: The Taoiseach has been feeding us innuendo for the past two years. He has not been straight down the line with us.

The Taoiseach: The Deputy is fairly good at that.

Deputy Arthur Morgan: He does not need to look at the Press Gallery. Recently, I noticed that, when the Taoiseach addresses the House, he spends more time facing the Press Gallery than he does the Opposition benches.

Deputy Caoimhghín Ó Caoláin: Hear, hear.

Deputy Arthur Morgan: Look over here. We will handle it for whatever few months are left.

The Taoiseach: I am not impressed.

Deputy Arthur Morgan: The Taoiseach has made enough of a mess that we will put up with him facing this way. We can handle it. Come around.

The Taoiseach: It is Gerry who will give Deputy Morgan the heave ho. It is not my fault.

Deputy Arthur Morgan: The bluff, banter and, dare I say, lies he has projected for more than two years have washed——

Deputy Michael Woods: Withdraw that statement.

Deputy Arthur Morgan: He caught the Irish people in 2007——

Acting Chairman (Deputy Charlie O'Connor): Excuse me.

Deputy Arthur Morgan: —but he will not bluff the markets in the same way.

Deputy Mary Coughlan: Deputy Morgan will need to withdraw his comment.

Deputy Arthur Morgan: The markets will not accept that type of guff, so he is wasting his time peddling it in the Chamber.

Acting Chairman (Deputy Charlie O'Connor): Deputy Morgan will need to use other words. He has been in the House for long enough to know he cannot use that word, so I would appreciate it if—

Deputy Arthur Morgan: My hope is I will not be in the House for much longer. I certainly hope it will not be the 18 or 20 months or whatever is left of the Government's term of office.

Acting Chairman (Deputy Charlie O'Connor): The Deputy might be kind enough not to use that offensive word.

Deputy Arthur Morgan: I thank the Acting Chairman.

Acting Chairman (Deputy Charlie O'Connor): Please withdraw the remark.

Deputy Arthur Morgan: If it will be that long, I will be like the poor working people outside the House, in that I will be buckled and broke.

Deputy Paul Gogarty: Stop stuttering.

Deputy Arthur Morgan: The banks are totally broke. They have no funding. The Taoiseach is telling the House the State can handle the burden.

Deputy Mary Coughlan: Deputy Morgan still has not done it.

Deputy Michael Woods: On a point of order—

Deputy Arthur Morgan: The Taoiseach is continuing to tell us that this—

Acting Chairman (Deputy Charlie O'Connor): I must take a point of order.

Deputy Michael Woods: Has the Deputy withdrawn his statement?

Acting Chairman (Deputy Charlie O'Connor): I understood he would, but perhaps he will spell it out.

Deputy Paul Gogarty: S-O-R-R-Y.

Deputy Arthur Morgan: I inappropriately used the word “lies”,—

Acting Chairman (Deputy Charlie O'Connor): You did.

Deputy Arthur Morgan: —although that is what they were. I intended to use the word “fibs”.

Deputy Dermot Ahern: Deputy Morgan could not be accused of telling a few fibs.

Acting Chairman (Deputy Charlie O'Connor): If Deputy Morgan keeps attracting attention to himself, he will keep getting in trouble. He might be kind enough to use proper words.

Deputy Arthur Morgan: Dermot, do not start me. I want to deal with this character over here. I do not want to be wasting time with you.

Acting Chairman (Deputy Charlie O'Connor): Deputy Morgan might proceed and address he remarks through the Chair.

Deputy Joan Burton: Has he nothing to say?

Deputy Arthur Morgan: Some €50 billion has already gone into recapitalisation, plus in the order of €100 billion from the ECB. The latter constitutes one fifth of the ECB's total investment in banks across Europe. Does the Taoiseach believe we can continue to fill the black hole that is the Irish banking system? Does he believe this is good enough? It is not working. One reason for this is that many of the crooks who headed the banking sector are still in place. I would not expect them to change, seeing as how they are getting plenty of encouragement from the Government.

The Taoiseach is telling us another fib, namely, that we are doing brilliantly and do not need to return to the market for funding until the middle of 2011. Why do he and Ministers keep repeating it? They know it cannot be done.

The Taoiseach: What is the Deputy talking about?

Deputy Arthur Morgan: On a good day, they probably know they have until the end of January or very early February before the State must return to the markets.

Deputy Mary Coughlan: It is a statement of fact.

Deputy Arthur Morgan: What is the Government going to do? Will it start pouring the funds in the National Pensions Reserve Fund, NPRF, into the banks? If not, it will need to return to the markets. This is more fibbing on the part of the Government.

It is time for integrity and honesty. Take my word on this — the markets would enjoy a level of openness and honesty from the Government, as would the House. In the past while, the nonsensical figures coming from the Government have been so far out. I do not know whether the Government is getting it wrong, which would constitute incompetence — I am sure none of us on the Opposition benches would be surprised — or deliberately misleading us. One is as bad as the other. We need integrity and openness on all of these matters. In that event, the House could deal with them properly.

If the Government wants a solution to the banking problem, it is important that I share with it the Sinn Féin position. We are still adamant that what is required is a stable, steady and trustworthy State bank. Had one been put in place two years ago instead of the nonsense the Government got up to, we would not be in this deep crisis. We would have economic difficulties, but we would not be in this difficulty. Whatever crazy ideological opposition the Government has to the proposal is beyond me. However, had it put in place a proper and stable State bank, there would not have been nearly as many job losses because our businesses would have been viable. Those SMEs, which are folding because of the lack of credit, would still be operating and we would be generating some type of stimulus in the real economy. However, the Government chose not to do that and opted for the easy option, to bail out these corrupt bankers and prolong the agony the taxpayers of this State and others will have to pay for over decades, and it is now inter-generational. Until the Taoiseach changes his mind, we shall be in serious difficulty.

[Deputy Arthur Morgan.]

I hope there is an opportunity to debate the outcome of whatever messing is going on in Europe at these meetings this evening and tomorrow. Unless something positive emerges — I do not expect that it will — then God help the poor unfortunate people of this State who are not among the wealthy elite that is constantly protected by this Government.

Value Added Tax Consolidation Bill 2010: Order for Report Stage

Minister of State at the Department of Finance (Deputy Martin Mansergh): I move: “That Report Stage be taken now.”

Question put and agreed to.

Value Added Tax Consolidation Bill 2010: Report and Final Stages

Acting Chairman (Deputy Charlie O'Connor): As there are no amendments we shall proceed to Fifth Stage.

Bill reported without amendment and received for final consideration.

Question proposed: “That the Bill do now pass.”

Minister of State at the Department of Finance (Deputy Martin Mansergh): I should like to thank Deputies for their contributions on this consolidation Bill and for their assistance in its speedy passage through the Dáil, including the special committee. As Deputies will be aware, the Bill consolidates almost 40 years of VAT law as part of the ongoing modernisation of tax legislation and will make Irish VAT law more accessible and user friendly to Members of the Oireachtas, business, tax practitioners and students of taxation.

While changes in existing legislation are not allowed in a consolidation Bill, there will be an opportunity in future Finance Bills to address any issues of substance that were raised during the passage of the Bill.

Deputy Brian Hayes: The passage of this legislation is welcome on all sides of the House. The consolidation has been overdue for some years, and the fact that it has now been passed through the House in such a timely manner and is going on to the other House will send a clear signal to the effect that the new legislative base will be used by all, particularly by practitioners in many common ways. The fact that it has been passed in the Dáil is a good day's work.

Deputy Seán Sherlock: The Labour Party tabled some amendments that were withdrawn. Perhaps they dealt with more semantic issues, but there is consensus within the House on the issue of consolidation. It would be appropriate, from my party's perspective, to pay tribute to the officials who did the groundwork in respect of this legislation.

Acting Chairman (Deputy Charlie O'Connor): I am happy to preside over such consensus, and I thank the Members.

Question put and agreed to.

Prevention of Corruption (Amendment) Bill 2008: Order for Report Stage

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

Question put and agreed to.

Prevention of Corruption (Amendment) Bill 2008: Report and Final Stages.

Acting Chairman (Deputy Charlie O'Connor): Amendment No. 1, in the name of Deputy Alan Shatter, arises out of Committee Stage proceedings. Amendments Nos. 2 and 3 are related and alternative to amendments Nos. 1, 4 and 21 which are related. Therefore, amendments Nos. 1 to 4, inclusive, and 21 will be discussed together.

Deputy Alan Shatter: I move amendment No. 1:

In page 5, to delete lines 15 to 48, to delete pages 6 to 9 and substitute the following:

“4.—The Act of 2001 is amended by inserting the following sections after section 8:

8A.—(1) In this Part, ‘employee’ and ‘employer’ have the same meaning as in the Unfair Dismissals Acts 1997-2007.

(2) In this Part, ‘penalise’ includes any act or omission by an employer or a person acting on behalf of an employer that affects an employee to his or her detriment with respect to any term or condition of his or her employment and which is consequent upon a protected disclosure by the employee.

(3) For the purposes of subsection (2) but without prejudice to its generality, penalization includes suspension, lay-off or dismissal (including a dismissal within the meaning of the Unfair Dismissals Acts 1977 to 2005), or the threat of suspension, lay-off or dismissal, demotion or loss of opportunity for promotion, transfer of duties, change of location of place of work, reduction in wages or a change in working hours, imposition of any discipline, reprimand or other penalty (including a financial penalty), coercion, intimidation or harassment, injury, damage or loss, and threats of reprisal.

(4) Subsection (2) shall not be construed in a manner which prevents an employer from ensuring that the business of the body concerned is carried on in an efficient and effective manner.

8B.—Where an employee makes, in good faith and not for personal gain, a disclosure to an authorised person and the employee has reasonable grounds for believing that it will show one or more of the following:

(a) that a criminal offence has been committed, is being committed, or is likely to be committed;

(b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;

(c) that a miscarriage of justice has occurred, is occurring or is likely to occur;

(d) that the health and safety of any individual has been, is being or is likely to be endangered;

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(e) that the environment has been, is being or is likely to be damaged;

(f) that there is conduct which has led, is leading or is likely to lead to a misuse or substantial waste of public funds;

(g) that there is conduct leading to concern about questionable accounting, internal controls or auditing matters;

(h) that the health or welfare of a person who is receiving a health or personal social service has been, is or is likely to be at risk;

(i) that the actions of any person employed has posed, is posing or is likely to pose a risk to the health or welfare of the public;

(j) that the information tending to show any matter falling within any one of the preceding paragraphs has been, is likely to be deliberately concealed or destroyed;

then disclosure shall be a protected disclosure under this Act.

8C.—Notwithstanding anything in the Official Secrets Act 1963 a disclosure of information to which section 15 relates shall be a protected disclosure if the employee makes the disclosure in accordance with section 17.

8D.—(1) A qualifying disclosure is made in accordance with this section if the worker—

(a) makes the disclosure in good faith to a person prescribed by Regulation made by the Minister for Finance for the purposes of this section, and

(b) reasonably believes—

(i) that the relevant disclosure falls within any description of matters in respect of which that person is so prescribed, and

(ii) that the information disclosed, and any allegation contained in it, are substantially true.

(2) An order prescribing persons for the purposes of this section may specify persons or descriptions of persons, and shall specify the descriptions of matters in respect of which each person, or

persons of each descriptions, is or are prescribed.

8E.—(1) A person is not liable in damages in consequence of a protected disclosure.

(2) Subsection (1) does not apply in respect of a person who makes a disclosure knowing it to be reckless as to whether it is false, misleading, frivolous or vexatious or who, in connection with a disclosure, furnishes information that the person knows to be false or misleading.

(3) The reference in subsection (1) to liability in damages shall include a reference to any other form of relief.

8F.—(1) An employer shall not penalise an employee for making a protected disclosure.

(2) A contravention of subsection (1) is a ground of complaint by an employee to a rights commissioner.

(3) In proceedings before a rights commissioner or the Labour Court in relation to a complaint of a contravention of subsection (1), it shall be presumed, unless the contrary is proved, that the disclosure was a protected disclosure.

(4) If the contravention of subsection (1) was a dismissal of the employee within the meaning of the Unfair Dismissals Acts 1977 to 2005, relief may not be granted to the employee both under this section and under those Acts.

(5) A rights commissioner hearing a complaint under this section shall—

(a) give the parties an opportunity to be heard and to present any evidence relevant to the complaint,

(b) give a decision in writing, and

(c) communicate it to the parties.

(6) A decision of a rights commissioner under subsection (5) shall do one or more of the following:

(a) declare that the complaint was or, as the case may be, was not well founded;

(b) require the employer to comply with subsection (1) and to take specified steps;

(c) order the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all the circumstances.

(7) A rights commissioner shall not entertain a complaint under this section unless it is presented to him or her within the period of 12 months beginning on the date of the contravention, unless there are circumstances that prevented the presentation of the complaint within that period, in which case the rights commissioner may allow such further period for the presentation of a complaint under this section, not exceeding 6 months from the expiration of the period of 12 months, as the rights commissioner considers reasonable.

(8) (a) A complaint under this section shall be presented to a rights commissioner by giving notice of it in writing to him or her and the notice shall contain such particulars and be in such form as may be specified from time to time by the Minister for Finance.

(b) A copy of a notice under paragraph (a) shall be given to the employer by the rights commissioner.

(9) Proceedings under this section before a rights commissioner shall be conducted otherwise than in public.

(10) A rights commissioner shall furnish the Labour Court with a copy of any decision given by the commissioner under this section.

[Deputy Alan Shatter.]

(11) A party to proceedings under this section before a rights commissioner may appeal to the Labour Court from a decision of the rights commissioner and, on an appeal, the Labour Court shall—

(a) give the parties an opportunity to be heard by it and to present to it any evidence relevant to the appeal,

(b) make a determination in writing in relation to the appeal affirming, varying or setting aside the decision, and

(c) communicate the determination to the parties.

(12) (a) An appeal under this section shall be initiated by the giving, by the party appealing, within 6 weeks of the date on which the decision to which it relates was communicated to that party, of a notice in writing to the Labour Court under subsection (11) and stating the intention of that party to appeal.

(b) A copy of a notice under paragraph (a) shall be given by the Labour Court to the other party as soon as practicable after the receipt of the notice by the Labour Court.

(13) The following matters, or the procedures to be followed in relation to those matters, shall be determined by the Labour Court, namely:

(a) the procedure in relation to the initiation and the hearing by the Labour Court of appeals under this section;

(b) the times and places of hearings of such appeals;

(c) the representation of the parties to such appeals;

(d) the publication and notification of determinations of the Labour Court;

(e) the particulars to be contained in a notice under subsections (12) and (14);

(f) any matters consequential on, or incidental to, the matters referred to in paragraphs (a) to (e).

(14) (a) The Minister for Finance, may, at the request of the Labour Court, refer a point of law arising in proceedings under this Part before it to the High Court for determination.

(b) A party to proceedings before the Labour Court may appeal to the High Court from a determination of the Labour Court on a point of law.

(c) The determination of the High Court under this subsection is final and conclusive.

(15) (a) Where a decision of a rights commissioner under subsection (6)(b) or (c) has not been implemented by the employer in accordance with its terms, the time for bringing an appeal against the decision has expired and no such appeal has been brought, the employee may bring the complaint before the Labour Court and the Labour Court shall, without hearing the employer or any evidence (other than in relation to the matters), make a determination to the like effect as the decision.

(b) The bringing of a complaint before the Labour Court by virtue of this subsection shall be effected by giving to the Labour Court a notice in writing containing such particulars (if any) as may be determined by the Labour Court.

(16) Proceedings under this section before the Labour Court shall be heard otherwise than in public.

(17) The Labour Court shall publish, in a manner it considers appropriate, particulars of any determination made by it under paragraphs (a), (b), (c), (e) or (f) of subsection (13) (not being a determination as respects a particular appeal under this section) or subsection (15)(b).

8G.—(1) The Labour Court shall, on the hearing of any matter referred to it under this Part, have power to take evidence on oath and for that purpose may cause oaths to be administered to persons attending as witnesses at the hearing.

(2) Any person who, upon examination on oath authorised under this section, wilfully and corruptly gives false evidence or wilfully and corruptly swears anything which is false is guilty of an offence and, on conviction, is liable to the penalties for wilful and corrupt perjury.

(3) The Labour Court may, by giving notice in that behalf in writing to any person, require the person to attend at such time and place as is specified in the notice to give evidence in relation to any matter referred to the Labour Court under this section or to produce any documents in his or her possession, custody or control which relate to any such matter.

(4) A notice under subsection (3) may be given either by delivering it to the person to whom it relates or by sending it by

post in a prepaid registered letter addressed to the person at the address at which he or she ordinarily resides.

(5) A person to whom a notice under subsection (3) has been given and who refuses or wilfully neglects to attend in accordance with the notice or who, having so attended, refuses to give evidence or refuses or wilfully fails to produce any document to which the notice relates is guilty of an offence and is liable on summary conviction to a fine not exceeding €3,000.

8H.—(1) (a) If an employer fails to carry out in accordance with its terms a relevant determination of the Labour Court under section 20 within 6 weeks from the date on which the determination is communicated to the parties, the Circuit Court shall, on application to it in that behalf by the employee, without hearing the employer or any evidence (other than in relation to the matters aforesaid), make an order directing the employer to carry out the determination in accordance with its terms.

(b) In paragraph (a), a ‘relevant determination’ means a determination in relation to which, at the expiration of the time for bringing an appeal against it, no such appeal has been brought, or if such an appeal has been brought, it has been abandoned and the reference to the date on which the determination is communicated to the parties shall, in a case where such an appeal is abandoned, be construed as a reference to the date of its abandonment.

[Deputy Alan Shatter.]

(2) The Circuit Court may, in an order under this section relating to the payment of compensation, if in all the circumstances it considers it appropriate to do so, direct the employer to pay to the employee interest on the compensation, at the rate referred to in section 22 of the Courts Act 1981, in respect of the whole or any part of the period beginning 6 weeks after the date on which the determination of the Labour Court is communicated to the parties and ending on the date of the order.

(3) An application under this section to the Circuit Court shall be made to the judge of the Circuit Court for the circuit in which the employer ordinarily resides or carries on any profession, trade, business or occupation.

8I.—A document purporting to be signed by the chairman or a vice-chairman of the Labour Court stating that—

(a) a person named in the document was, by a notice under section 20 required to attend before the Labour Court on a day and at a time and place specified in the document, to give evidence or produce a document,

(b) a sitting of the Labour Court was held on that day and at that time and place, and the person did not attend before the Labour Court in pursuance of the notice or, as the case may be, having so attended, refused to give evidence or refused or wilfully failed to produce the document, shall, in a prosecution of the person under section 20, be evidence of the matters so stated without further proof.

8J.—References in this Part to an employer shall be construed, in a case where ownership of the business of the employer changes after the contravention to which the complaint relates occurred, as references to the person who, by virtue of the change, becomes entitled to ownership of the business.

8K.—(1) A person who makes a disclosure which the person knows or reasonably ought to know to be false is guilty of an offence.

(2) A person guilty of an offence under this section is liable:

(a) on summary conviction, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 12 months or to both,

(b) on conviction on indictment, to a fine not exceeding €50,000 or to imprisonment for a term not exceeding 3 years or to both.

(3) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this Act may be instituted within 2 years from the date on which the offence was committed or, if later, 2 years from the date on which evidence that, in the opinion of a member of the Garda Síochána, is sufficient to justify the bringing of the proceedings.

(4) For the purposes of subsection (3) of this section, a certificate signed by a Superintendent of the Garda Síochána as to the date on which the evidence referred to in that subsection relating to the offence concerned came to his or her knowledge is *prima facie* evidence thereof and in any legal proceedings a document purporting to be a certificate issued for the purpose of this subsection and to be so signed is deemed to be so signed

and shall be admitted as evidence without proof of the signature of the Superintendent purporting to sign the certificate.”.

This amendment proposes to replace the existing new section 8A, which is referred to in section 4 of this Bill as being inserted into the Prevention of Corruption Act 2001. The provision in the Bill before the House essentially applies to public officials, and it is by way of a form of whistleblower’s provision to allow for public officials in certain circumstances to blow the whistle on criminal and bad behaviour.

The difficulty is that the provision contained in the Bill does not go far enough. In Fine Gael’s view there is a need for a far wider and broader provision. In that context we have tabled a very substantial amendment, which will appear in the formal Dáil record of debates. However, I shall refer to part of the substance of what is being proposed. We are proposing new sections, 8A and 8B. The kernel of the amendment is in the provisions in the new section 8B, to be included in the 2001 Act. It reads:

8B.—Where an employee makes, in good faith and not for personal gain, a disclosure to an authorised person and the employee has reasonable grounds for believing that it will show one or more of the following:

(a) that a criminal offence has been committed, is being committed, or is likely to be committed;

(b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject;

(c) that a miscarriage of justice has occurred, is occurring or is likely to occur;

(d) that the health and safety of any individual has been, is being or is likely to be endangered;

(e) that the environment has been, is being or is likely to be damaged;

(f) that there is conduct which has led, is leading or is likely to lead to a misuse or substantial waste of public funds;

(g) that there is conduct leading to concern about questionable accounting, internal controls or auditing matters;

(h) that the health or welfare of a person who is receiving a health or personal social service has been, is or is likely to be at risk;

(i) that the actions of any person employed has posed, is posing or is likely to pose a risk to the health or welfare of the public;

(j) that the information tending to show any matter falling within any one of the preceding paragraphs has been, is likely to be deliberately concealed or destroyed;

then disclosure shall be a protected disclosure under this Act.

Essentially, this is designed to ensure that where a protected disclosure is made, an individual cannot be prosecuted or dismissed. Where an employer attempts to dismiss an individual, there are appropriate remedies available to him or her and appropriate compensation can be ordered.

The new sections 8C and 8D, which are of relevance also, read:

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8C.—Notwithstanding anything in the Official Secrets Act 1963 a disclosure of information to which section 15 relates shall be a protected disclosure if the employee makes the disclosure in accordance with section 17.

8D.—(1) A qualifying disclosure is made in accordance with this section if the worker—

(a) makes the disclosure in good faith to a person prescribed by Regulation made by the Minister for Finance for the purposes of this section, and

(b) reasonably believes—

(i) that the relevant disclosure falls within any description of matters in respect of which that person is so prescribed, and

(ii) that the information disclosed, and any allegation contained in it, are substantially true.

These are extremely important provisions and it is particularly appropriate that on this, of all days, this Bill comes before the House and these issues are being debated.

These are extremely important provisions. It is particularly appropriate that on this day of all days this Bill comes before this House and these issues are being debated. I want to give a very stark illustration of the possible use of this provision and how it might have been used in the past in the public good and to the benefit of the State and everyone living here.

Under existing law, if, three or four years ago, an employee of Anglo Irish Bank blew the whistle on some of the exotic conduct of the board of that bank and those in managerial positions at the bank, that employee could have been subject to dismissal. The dismissal would have been regarded as fair, the individual would have had no right to compensation and, indeed, in certain circumstances, could have found himself or herself at risk of criminal prosecution. To this day, we do not have adequate legislation to deal with and address the need for the protection of individuals who want to blow the whistle on what they see as corrupt and bad behaviour within the businesses in which they are employed, be they in a junior or senior position. The provisions in the measure before us deal essentially with public officials at governmental or European level. They do not deal with the protections that should be available in other circumstances to ensure that certain ethical standards are met, laws are complied with and where there is illegal conduct, the whistle is blown and action is taken. People who are whistleblowers should not be confronted with the dilemma of staying quiet and remaining in employment or blowing the whistle and becoming unemployed and, possibly because of the strength of the corporation in which they are employed, being portrayed as either nut cases or pariahs within society.

We could all in this House name some individuals who we are aware of who attempted to blow the whistle on events in recent years, but whose whistleblowing was ignored and they found themselves out in the cold as a consequence of their conduct. It is extraordinary that to this very day our legislation in this area is grossly inadequate. As a matter of principle, I, and the Fine Gael Party, welcome the fact that the House is now dealing with Report Stage of this Prevention of Corruption (Amendment) Bill 2008 and that the Bill is on the verge of being completed. As the Bill was published in 2008, it cannot be described as having been given priority or of being speedily processed through the House. I deplore the fact that we are not

addressing issues more extensively in this area that deserved to be addressed. There is more than one elephant in this particular room.

I am being careful in what I say because I am very conscious that there is more information that could be put on the record of this House that might be utilised by those who are currently the subject of investigation to try to avoid having to face the full rigors of the law should any prosecution ever be taken. Our law in this area is not adequate. This Bill does not provide the comprehensive legal change that is required. This particular amendment — I am conscious we are on Report Stage and not Second Stage — is designed to address some of the issues that require to be addressed in our legislation to deal with the issue of whistleblowing, to provide protection to those who act in good faith on the basis of information made available to them and who seek to facilitate the investigation into alleged criminal conduct in circumstances in which at present it may not merely be difficult for them to do so, but may result in their loss of employment and being rendered one of the 450,000 individuals who are currently unemployed in our State.

This is an important amendment. It was also canvassed on Committee Stage on behalf of Fine Gael, but it was not taken on board by the Minister. I note the Minister is, in some of the amendments we are discussing that are within the confines of this Bill, trying to tidy up some aspects of the Bill. Knowing what we now know and being where we now are and aware of some of the extraordinary conduct within our financial institutions, there is an urgent public need to go beyond those operating as public servants and to comprehensively extend our law in this area with regard to whistleblowing. What we need is one particular statute, a consolidated statute, dealing with corruption and criminal offences relating to it and protecting whistleblowers as opposed to piecemeal legislation contained in a number of Acts going back now over 100 years, which makes the law difficult to tease out and understand for many who seek to ascertain where it is.

I have no optimism that this amendment will be accepted by the Minister. It is the Minister's form to reject every amendment that comes from the Opposition side of the House on every piece of legislation over which he has control. However, the amendment has been tabled in the public interest. There is a public interest priority and need that legislation such as proposed in this amendment be enacted and prioritised.

Deputy Pat Rabbitte: I prepared a Bill on this issue. I commend Deputy Shatter for the time he has taken in constructing amendment No. 1. I intend to move amendments Nos. 2 and 3 when we reach them, while accepting that they are being discussed now, as part of a group, with amendment No. 1.

I was disappointed when the Government voted initially to accept my Bill, which subsequently died on Committee Stage, proving the Government was no more amenable to the Bill at that Stage than it was on the first occasion. We badly need reform in our society in the form of protection for whistleblowers. Following everything we have seen during the past four years, I would have thought it plain to everyone and common ground in the House that we need protection for whistleblowers, and not on a sectoral or segmented basis.

We all know what happened during the beef tribunal. The witch hunt was to find out who leaked information about the skullduggery and tax evasion going on at that time in the Goodman empire. We recently witnessed, in respect of Allied Irish Banks, what happens to whistleblowers. The whistleblower usually ends up outside the employment, with little enough regard had to the loss to the public interest of acting on whistleblower information and protecting the whistleblower when that information is brought into the public domain.

[Deputy Pat Rabbitte.]

Our Exchequer retrieved just over €1 billion as a result of the DIRT inquiry and it is believed that came into the public domain because of an internal employee in Allied Irish Banks. That was the suspicion. More attention was devoted to that than what he had to say about wrongdoing, yet because this House, exceptionally, acted on it and caused a committee of the House to inquire into it, which retrieved more than €1 billion for the State, the reaction of the House since has been to sit idly by while inquiry by parliamentary committee has been struck down. It has done nothing to refurbish the law. The result is a loss of autonomy to the House and gradual erosion of the powers of Parliament *vis-à-vis* the Executive. The Government has acquiesced in that, because without its approval, Opposition Members do not have the numbers to refurbish the law.

6 o'clock
Amendment No. 2 proposes the insertion of the words “or suspicion” because the reality of the world in corporate Ireland is the person may not be able to establish more than that it is a suspicion and sometimes the issues are so big that it is for others to establish if that suspicion is well founded. To expect someone to come out of the system and prove something or simply to do something because they are of a opinion is not good enough. The purpose of my amendment, which is to protect the reporting of suspicion as well as opinion, is necessary in this particular Bill.

Amendment No. 3 proposes the deletion of the words “has been or is being” and the replacement with “may have been or may be being”. The purpose of the amendment is to widen the circumstances in which protection is afforded to whistleblowers because, as drafted, the new section 8A only provides protection for persons who report an opinion that an offence definitely has been or definitely is being committed. This should be widened to cover a situation where a person reports a suspicion as opposed to a definite opinion. Given all the skullduggery and wrongdoing we have seen in corporate Ireland — to our greatest cost within the banking system — a necessary and essential reinforcement of this Bill would be to take on board that concept.

Most people do not believe we could have reached the stage we have reached this evening and they ask fundamental, straightforward questions about how all this could have gone on in the banks with nobody blowing the whistle. The answer is that if a person were to blow the whistle, he or she would have lost his or her employment. That is the reality, yet we are in a situation now where, notwithstanding the debate we have just heard, this country’s economic sovereignty is at risk because of the behaviour and reckless conduct, if not criminality, of the banks. That is why we are where we are. We do not know what will come out of tonight, we do know what is going to come out of tomorrow and it is plain that the Government does not know but everything for which people fought in this country is at risk now because of misbehaviour, wrongdoing and reckless conduct in the banking system.

What is the point in us condemning this and the Minister saying he will agree with us about the banks if we do not take steps to prevent this ever happening again? We have one slight Bill before us. Our anti-corruption laws, even to comply with our international responsibilities, are not up to speed. It is still only a slight Bill but it would be strengthened if the Minister was prepared to take on board these amendments. If the Minister for Finance, for example, is successful this evening, he will return tomorrow evening like Chamberlain waving a piece of paper in his hand saying “Peace in our time. We’ve got a bailout for the banks.” That is yet another bailout for the banks but the reality is that will have the most onerous implications for our society and for our economy, whether he can separate the banks from the international perception that this is all sovereign debt now because of the guarantee and one cannot separate one from the other and one can provide financial assistance only to a member state, not to a bank.

If the member state wants to put it into a bank, that might be capable of being negotiated but how did this harm befall us? How did we all let one small casino bank grow like Topsy until it threatened the entire banking system? When *The New York Times* asked “Can a bank bring down a country?”, it was sneered at in circles in this House and outside but that is exactly the situation we are tottering on this evening. A bank can bring down a country and, therefore, if there is not intent on the part of the Government to refurbish the legislation so that this kind of reckless misconduct cannot happen again, why are we here? We must be able to take measures to ensure that, while not stifling business and entrepreneurship, plain wrongdoing or suspicion of wrongdoing can be brought to the attention of the relevant authority without the person bringing it being put at risk of his or her employment. I ask the Minister to make a positive response to the amendments.

Deputy Dermot Ahern: We discussed amendment No. 1 on Committee Stage and I outlined Government policy regarding the protection in law for persons making reports in good faith. Previous mention was made of the corruption laws in our country. Significant anti-corruption legislation is on our Statute Book. The Prevention of Corruption Acts, 1889 to 2005, relate to this area. I indicated that I have asked my officials to produce consolidated legislation, once this Bill is passed, containing all provisions relating to corruption.

The principal purpose of the legislation is to ensure compliance by Ireland with the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. However, it should be pointed out that whistleblower protection provisions in this Bill are not confined to bribery of foreign public officials and apply to any person reporting his or her opinion that an offence under the Prevention of Corruption Acts has been committed. The Bill is quite extensive in its scope and its provisions are applicable to a wide variety of persons as set out in the Prevention of Corruption Act 2001. The anti-corruption legislation we have covers any person employed by or on behalf of another, or any person employed by or acting on behalf of the public administration of the State.

There are ongoing issues relating to the investigation of what went wrong in Anglo Irish Bank and I assure the Deputies that I understand from discussions with the Garda Commissioner and the Garda Síochána that existing legislation is sufficient in respect of any criminality that may have occurred in that instance. Clearly that is yet to be decided. With regard to this piece of legislation, a person employed in either the public or private sector who suspects an offence under the prevention of corruption legislation is being committed and reports that submission will be protected. The communication must be made in good faith and not be frivolous, vexatious, intentionally false or misleading.

The protection afforded is two-fold. First, a person will have no liability in damages arising from that communication and, second, if a whistleblower makes or wishes to make a report in confidence, he or she may do so. The provisions in this Bill have been drafted with the intention of ensuring protection for the whistleblower. They clarify the rights of redress open to an individual who may be penalised by an employer for reporting a corruption offence. In drafting this measure, it is my intention that whistleblowers with a genuine belief that a corruption offence is taking place should be given every encouragement to report that opinion to an appropriate person. It is my intention that the full protection of the law should be available to these people.

Deputy Shatter proposes to provide in this Bill whistleblower protection for a broad and diverse range of issues and sectors, whereas the purpose of the Bill as discussed today is to afford protection to whistleblowers reporting suspected corruption offences. The amendment as it stands does not relate only to offences contained in the Bill but proposes to protect disclosures in a wide variety of circumstances unconnected with corruption offences. His

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amendment addresses matters as diverse as health and safety, auditing, miscarriages of justice, environmental damage and much more. These are not the issues under consideration with this Bill, as I indicated on Committee Stage when this amendment was proposed.

As Members will know, it has been Government policy for some time to deal with the issue of protection for whistleblowers on a sectoral basis rather than on an omnibus basis. This is a very firm commitment reflected in a wide variety of Bills. Deputy Shatter's amendment and the Private Members' Bill published previously by Deputy Shatter assumed that a single all-encompassing whistleblower provision is the best way to proceed. I have already set out in a parliamentary question today to Deputy Varadkar how the matter was considered by the Government a number of years ago, with certain legal obstacles identified which indicated that the application of whistleblowers' protection within a single statute would not be effective in the variety of circumstances in which it would apply. The Government does not want to introduce whistleblower protection which, if tested in the courts, might be found wanting. What is needed are solutions that will work well in the particular circumstances of each case. That is ultimately why, on balance, it became clear that a sectoral approach to the issue would be more effective and efficient.

A wide range of Bills have already been passed by this House with whistleblower provisions specific to those particular areas. These include the Protections for Persons Reporting Child Abuse Act 1998, the Competition Act 2002, the Safety, Health and Welfare at Work Act 2005, the Garda Síochána Act 2005, the Employment Permits Act 2006, the Health Act 2007, the Communications Regulation (Amendment) Act 2007, the Consumer Protection Act 2007, the Medical Practitioners Act 2007, the Chemicals Act 2008, the Labour Services (Amendment) Act 2009, the National Asset Management Agency Act 2009, the Charities Act 2009, and the Inland Fisheries Act 2010. In addition, a number of Bills currently in preparation contain whistleblower protections, including the Employment Agency Regulation Bill 2009, the Local Government (Mayor and Regional Authority of Dublin) Bill 2010, the Employment Law Compliance Bill 2008, the Property Services (Regulation) Bill 2009 and the Bill being considered by the House today, all of which contain similar protections specific to certain areas.

The Garda Síochána Act has particular whistleblower protection and provisions relevant to the area but it is more comprehensive; it may not necessarily be applicable in other areas. The way whistleblowing in the Garda Síochána Act is framed with the independent person is very different from whistleblowing provisions in other pieces of legislation. The issue is better because it is tailored. On the advice of the Attorney General, the Government decided to deal with whistleblowing on a case by case basis rather than dealing with an all-encompassing piece of legislation as proposed by Deputy Rabbitte.

Amendment Nos. 2 and 3 from Deputy Rabbitte provide for the insertion of the words "or suspicion" after the word "opinion" into section 8A(1) of the 2001 Act, and the substitution of "may have been or may be being" for the existing wording of "has been or is being" thereafter. As I stated in the course of the debate on Committee Stage, the advice which I received was to the effect that an opinion can be founded on a belief, which would encompass actual knowledge or suspicion. Given that an opinion can be founded on a suspicion, my advice was that the addition of the word "suspicion" was not required. Accordingly, it is considered that the addition of the words in the amendment would not actually broaden the existing meaning of the provision nor would the amendment assist in further clarifying the test which would determine whether the protection under this measure for a person making reports in good faith would apply.

Deputy Rabbitte will recall the official amendment to this section which was agreed on Committee Stage. The earlier test required before the whistleblower could be afforded protec-

tion against civil liability under this section was simply whether he or she had acted “reasonably and in good faith” in forming the opinion and communicating it to the appropriate person. On Committee Stage, further tests were introduced, which were agreed by the committee, which must be passed before the potential whistleblower obtains protection from liability in damages under this provision.

The section provides that the whistleblower is not liable in damages or other forms of relief unless when communicating the opinion regarding an offence under the legislation providing he or she did so not knowing or being reckless as to whether the view was false, misleading, frivolous, vexatious or giving information that the person knew to be false or misleading. In this section I am endeavouring to secure a reasonable balance in encouraging whistleblowers to come forward and protecting their rights while also paying due regard to the rights and entitlements of the person subject to the whistleblower’s report. Taking all the factors into account I am of the view that the existing text, providing protection for reports in respect of an offence which has been or is being committed, is the best wording and is likely to be the most effective.

I am proposing amendment No. 21. As I mentioned on Committee Stage, my Department received observations from An Garda Síochána which raised certain issues about the implications of attempting to provide for absolute confidentiality in the context of investigation of certain cases where the whistleblower could come forward to expose corruption. As the Bill stands, there is a reference to the Garda Commissioner disclosing the identity of a confidential communicator for the purpose of investigating the alleged offence but not for the purpose of prosecuting the offence. The provisions of the Bill as it stands might have been interpreted in a way which would have hampered disclosure of the identity of the whistleblower to the DPP. Such disclosure by the Garda Commissioner might be necessary to enable the alleged offence to be investigated and prosecuted.

The amendments to Schedule 2 will allow for limited disclosure of the whistleblower’s identity where the Garda Commissioner is satisfied that disclosure to a member of the Garda or a civilian staff member or the DPP is necessary for the investigation or prosecution of the alleged offence. In proposing this amendment, I assure the House that I have considered the matter very carefully in light of the concerns raised by the Garda and the advice of the Attorney General. I am eager to ensure that the rights and entitlements of all the parties involved are given due weight. My aim is to provide the requisite level of protection for whistleblowers while ensuring that those who engage in corruption can be successfully brought to book for their actions.

While we had a good discussion in this regard on Committee Stage, I cannot accept amendments Nos. 1 to 4, inclusive. I repeat the general point that the Government decided a number of years ago to deal with these issues on an issue-by-issue basis. The record speaks for itself in regard to the address of these issues in the many pieces of legislation that are being and have been drafted and passed by this House and which are specific to those particular areas.

Acting Chairman (Deputy Charlie O’Connor): To be helpful, the Minister referred to amendments Nos. 1 to 4, inclusive. I presume he meant Nos. 1 to 3, inclusive, as amendment No. 4 is his own amendment.

Deputy Dermot Ahern: That is correct. Amendments Nos. 4 and 21 are my amendments.

Deputy Alan Shatter: The difficulty with this Bill is that the things a whistleblower could do are constrained. The Government was wrong to have adopted a policy to provide legislation in regard to whistleblowers in, as the Minister puts it, a sectoral context rather than a global context. A global piece of legislation could have been drafted which contained within it, for

[Deputy Alan Shatter.]

example, specific exceptions that might have been necessary regarding the manner in which the Garda Síochána needs to conduct investigations.

I was interested to note the Minister's reference to the 1998 Act which provided protection for those who in good faith reported child abuse. That was the first Act dealing with whistleblowers and it was introduced by me in this House as a Private Members' Bill. It remains today of particular importance in the area of child abuse. It is noteworthy that the manner in which the current Fianna Fáil-Green Government deals with Opposition Bills, such as that published today, would make it impossible to have such Bills enacted, just as Deputy Rabbitte's very excellent Bill dealing with whistleblowers has found itself lost in some sort of legislative black hole because of the Government's approach to it. The Government, which did not have the courage to vote it down, just sent it off to a committee controlled by Fianna Fáil to let it languish.

I want to make one point only. Among the issues the amendment I have tabled covers is to allow someone to act as a whistleblower where the person is aware of "conduct which has led, is leading or is likely to lead to a misuse or substantial waste of public funds". That conduct may not be corruption within the narrow confines of the criminal law as is defined in our corruption Acts but it is conduct that has been all too prevalent and has cost this State a huge amount.

For example, if someone in FÁS had blown the whistle a long time ago, how much money would have been saved for the taxpayer? One can argue whether what happened in FÁS was corruption in a criminal context or simply mismanagement and maladministration. However, if there is substantial maladministration within a public body where hundreds of thousands of euro of taxpayers' money is disappearing down the toilet, an employee of that body should be able to blow the whistle, know their job is protected and instigate by their conduct an appropriate investigation and accountability for the loss.

What the Minister will vote against today is allowing for whistleblowing in that type of circumstance. The sectoral approach has proved to be grossly and totally inadequate with every new revelation of misuse of funds by State agencies and bodies that is discovered and addressed within the Committee of Public Accounts or by the Comptroller and Auditor General. We need a better and more rigorous law in this area.

Deputy Pat Rabbitte: The Minister made reference to a letter he wrote to Deputy Varadkar.

Deputy Dermot Ahern: It was a parliamentary question.

Deputy Pat Rabbitte: I look forward to seeing the reply. I believe it was 1999 when I introduced my Whistleblowers Protection Bill. I never had explained to me or I never received any letter from the Minister stating why the advice from the Attorney General was to the effect that there were legal impediments in the way of a general whistleblowers protection Act and that the Government had resolved on a sectoral approach. I have never understood this and I do not know why we would be reluctant in this regard, given the careful manner in which it is framed, whereby a person giving false, mischievous, vexatious or frivolous information exposes himself or herself to committing an offence. I do not know why we cannot do it or are not doing it.

Deputy Shatter has given explicit examples. He did not touch on, for example, the entire area of the hospital system, which is familiar to the Acting Chairman. It is not just that millions of euro of taxpayers' money might have been saved if we had whistleblower protection but perhaps a great deal of pain and anguish for so many people in our hospitals would have been

prevented if conscientious people working in the hospitals felt their employment was protected in the context of bringing misconduct or dereliction of duty to the attention of the relevant authority.

This seems to be the last opportunity we will have to import this into a Bill that would have general application. I had hoped the Minister would have agreed to do so.

Deputy Dermot Ahern: As I said earlier and also when we discussed this previously, I have no doubt predecessors of mine indicated why the Government had decided, based on the strong advice of the Attorney General, that a much more robust way of dealing with whistleblower protection was by doing it on a sectoral basis in order to tailor it to the circumstances that pertain in the particular area. There is no doubt there is existing and substantial legislation in the area of corruption and its prosecution. What we are endeavouring to do here, as is clear under the existing 2001 legislation, is to ensure the provisions on whistleblowing, particularly those added to by this Bill, create a situation where any official, public or private, who complies with the law in regard to good faith can make a report. To a certain extent, the Deputies are exaggerating in regard to some of the specific issues that have arisen.

With regard to amendment No. 4, we propose to remove the words “ought reasonably to know”. This, in effect, reduces the test for knowingly making a false report to an objective test so that it depends now on what a whistleblower actually knew, not what they subjectively could be expected to have known. I propose the amendment.

Acting Chairman (Deputy Charlie O'Connor): I call Deputy Shatter for a final contribution.

Deputy Alan Shatter: I have nothing to add.

Question put: “That the words proposed to be deleted stand.”

The Dáil divided: Tá, 75; Níl, 55.

Tá

Ahern, Bertie.
 Ahern, Dermot.
 Ahern, Michael.
 Ahern, Noel.
 Andrews, Barry.
 Andrews, Chris.
 Ardagh, Seán.
 Aylward, Bobby.
 Behan, Joe.
 Blaney, Niall.
 Brady, Áine.
 Brady, Cyprian.
 Brady, Johnny.
 Browne, John.
 Calleary, Dara.
 Carey, Pat.
 Conlon, Margaret.
 Connick, Seán.
 Coughlan, Mary.
 Cowen, Brian.
 Cregan, John.
 Cuffe, Ciarán.
 Curran, John.
 Dempsey, Noel.
 Devins, Jimmy.
 Dooley, Timmy.
 Fahey, Frank.
 Finneran, Michael.
 Fitzpatrick, Michael.

Fleming, Seán.
 Flynn, Beverley.
 Gogarty, Paul.
 Gormley, John.
 Hanafin, Mary.
 Harney, Mary.
 Haughey, Seán.
 Healy-Rae, Jackie.
 Hoctor, Máire.
 Kelleher, Billy.
 Kelly, Peter.
 Kenneally, Brendan.
 Kennedy, Michael.
 Kitt, Michael P.
 Kitt, Tom.
 Lenihan, Conor.
 McEllistram, Thomas.
 McGrath, Michael.
 Moloney, John.
 Moynihan, Michael.
 Mulcahy, Michael.
 Nolan, M.J.
 Ó Cuív, Éamon.
 Ó Fearghail, Seán.
 O'Brien, Darragh.
 O'Connor, Charlie.
 O'Dea, Willie.
 O'Donoghue, John.
 O'Flynn, Noel.

Tá—continued

O'Hanlon, Rory.
 O'Keeffe, Batt.
 O'Keeffe, Edward.
 O'Rourke, Mary.
 O'Sullivan, Christy.
 O'Sullivan, Maureen.
 Power, Peter.
 Power, Seán.
 Roche, Dick.

Ryan, Eamon.
 Sargent, Trevor.
 Scanlon, Eamon.
 Smith, Brendan.
 Treacy, Noel.
 Wallace, Mary.
 White, Mary Alexandra.
 Woods, Michael.

Níl

Barrett, Seán.
 Breen, Pat.
 Broughan, Thomas P.
 Burke, Ulick.
 Burton, Joan.
 Byrne, Catherine.
 Carey, Joe.
 Clune, Deirdre.
 Connaughton, Paul.
 Coonan, Noel J.
 Costello, Joe.
 Coveney, Simon.
 Crawford, Seymour.
 Creed, Michael.
 Deasy, John.
 Doyle, Andrew.
 Durkan, Bernard J.
 Feighan, Frank.
 Flanagan, Charles.
 Flanagan, Terence.
 Gilmore, Eamon.
 Hayes, Brian.
 Hayes, Tom.
 Hogan, Phil.
 Howlin, Brendan.
 Kenny, Enda.
 Lynch, Ciarán.
 McCormack, Pádraic.

McEntee, Shane.
 McGrath, Finian.
 McManus, Liz.
 Mitchell, Olivia.
 Morgan, Arthur.
 Neville, Dan.
 Ó Caoláin, Caoimhghín.
 O'Donnell, Kieran.
 O'Dowd, Fergus.
 O'Keeffe, Jim.
 O'Mahony, John.
 O'Sullivan, Jan.
 Penrose, Willie.
 Quinn, Ruairí.
 Rabbitte, Pat.
 Reilly, James.
 Ring, Michael.
 Shatter, Alan.
 Sheahan, Tom.
 Sheehan, P.J.
 Sherlock, Seán.
 Shortall, Róisín.
 Stagg, Emmet.
 Timmins, Billy.
 Tuffy, Joanna.
 Upton, Mary.
 Wall, Jack.

Tellers: Tá, Deputies John Cregan and John Curran; Níl, Deputies Emmet Stagg and Joe Carey

Question declared carried

Amendment declared lost.

Acting Chairman (Deputy Charlie O'Connor): As a result of the decision on amendment No. 1, amendments Nos. 2 and 3, in the name of Deputy Pat Rabbitte, cannot now be moved. Is the Deputy happy with that?

Deputy Pat Rabbitte: Yes, thank you.

Amendments Nos. 2 and 3 not moved.

Deputy Dermot Ahern: I move amendment No. 4:

In page 5, lines 40 and 41, to delete “, or ought reasonably to know,”.

Amendment agreed to.

Deputy Pat Rabbitte: I move amendment No. 5:

In page 5, line 42, to delete “has committed or is” and substitute “may have committed or may be”.

I explained in the earlier group of amendments the reasoning behind amendments Nos. 5 and 7, and I do not intend to take up the time of the House further with it.

Deputy Dermot Ahern: The effect of the amendments would be that protection from liability for damages or other form of relief would apply to persons making reports in good faith that were founded on a suspicion that an offence was being committed, in addition to the existing wording, which applies to an opinion. As I already said, I believe the opinion itself encompasses the issue of suspicion. We did discuss this earlier.

Amendment, by leave, withdrawn.

Acting Chairman (Deputy Charlie O'Connor): Amendment No. 6 arises out of Committee Stage proceedings. Nos. 6, 8 and 9 are related and may be discussed together.

Deputy Dermot Ahern: I move amendment No. 6:

In page 6, to delete lines 6 to 8 and substitute the following:

“(5) An employer shall not penalise or threaten penalisation against an employee, or cause or permit any other person to penalise or threaten penalisation against an employee, for—”.

Amendments Nos. 6, 8 and 9 relate to penalisation of an employee for making a report of a suspected corruption offence. Section 4 inserts section 8A into the Prevention of Corruption (Amendment) Act 2001, and subsection (5) of this section, which relates to penalisation or threatened penalisation by an employer or a person acting on the employer’s behalf, prohibits such action against an employee as a result of his or her making a report in good faith of suspected corruption. Subsection (7) provides that an employer contravening this provision is guilty of an offence, and the purpose of amendment No. 6 is to ensure that as well as action taken directly by the employer, the offence at subsection (7) will encompass actions carried out by a third party as a result of the employer’s causing or permitting another person to penalise or threaten penalisation of the employee.

Amendment No. 8 affects subsection (15)(a), which provides that the term “penalisation” will not be construed in a way that prevents the employer from ensuring that his or her business is carried on in an efficient manner. The amendment provides for the deletion of the words “and effective”. I am advised that this term was so broad that it would be difficult to apply in practice in an employment context. Deputies will also note the provision in subsection (15)(b) whereby the term “penalisation” cannot be construed in a way that would prevent the employer from taking any action required for economic, technical or organisational reasons.

Amendment No. 9 is a drafting amendment which clarifies that “penalisation” means the specified acts as listed in the definition of this term, whether they are carried out by an employer or by a person acting on behalf of the employer. I commend these amendments to the House.

Amendment agreed to.

Amendment No. 7 not moved.

Deputy Dermot Ahern: I move amendment No. 8:

In page 8, line 14, to delete “and effective”.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 9:

In page 9, line 25, after “or” to insert “by”.

Amendment agreed to.

Acting Chairman (Deputy Charlie O’Connor): Amendment No. 10 arises out of Committee Stage proceedings. Amendments Nos. 10 and 11 are related and may be discussed together.

Deputy Dermot Ahern: I move amendment No. 10:

In page 11, line 9, to delete “his or her parent or guardian” and substitute the following:

“the employee’s parent or guardian with his or her consent”.

Schedule 1 of the Bill provides redress for compensation and a mechanism for complaints to a rights commissioner for an employee who may have been penalised or threatened with penalisation by an employer as a result of having made a report to an appropriate person, containing his or her opinion of a suspected corruption offence. The purpose of these amendments, which are of a drafting nature, is to provide clarity that where an employee has not reached the age of 18, his or her parent or guardian may present a complaint to the rights commissioner on that employee’s behalf. Amendment No. 10 affords a more precise wording in setting out that in respect of an employee under 18 years of age, the employee’s parent or guardian can, with his or her consent, present a complaint to the rights commissioner on that employee’s behalf. Amendment No. 11, which again is a drafting amendment, substitutes “the employee” for “his or her” to improve clarity of meaning.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 11:

In page 11, line 12, to delete “his or her” and substitute “the employee’s”.

Amendment agreed to.

Acting Chairman (Deputy Charlie O’Connor): Amendments Nos. 12 to 14, inclusive, are related and may be discussed together by agreement.

Deputy Dermot Ahern: I move amendment No. 12:

In page 11, to delete lines 27 to 32 and substitute the following:

“(b) require the employer to take a specified course of action, which may include, in a case where the penalisation constitutes a dismissal within the meaning of section 8A(13), re-instatement or re-engagement;”.

Amendment No. 12 relates to Schedule 1 of the Bill, and paragraph (1) deals with redress for an employee, following a complaint to the rights commissioner in cases of penalisation or threats of penalisation to that employee. The amendment is essentially tidying up the drafting

of subparagraph (3). The reference to compensation which was in clause (b) is unnecessary as compensation is provided for in clause (c), and the introductory line of subparagraph (3) makes it clear that a rights commissioner may order one or more of the reliefs specified in clauses (b) and (c). The new wording is in line with the approach being taken in the Employment Law Compliance Bill 2008.

While the amount of damages a rights commissioner may award under clause (c) is limited to 104 weeks of pay and calculated in accordance with the unfair dismissals regulations, paragraph 3(8) makes it clear that an employee who suffers penalisation must choose whether to seek redress under this Act, or whether to seek redress under the Unfair Dismissals Acts or for wrongful dismissal at common law.

Amendment No. 13 is a drafting amendment, required to enable insertion of the proposed new sub-paragraph (10) which relates to circumstances where there is a delay in making complaints by an employee. Under subparagraph (4), the period which the employee can make a complaint to a rights commissioner is six months, beginning on the date of the contravention to which the complaint relates. The proposed amendment No 14, inserts subparagraph 10, which provides that where a delay by an employee in presenting a complaint is due to a misrepresentation of his or her employer, then the six-month clock only runs from the date of the discovery of that misrepresentation by the employee. I believe this is more equitable and fairer to the employee.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 13:

In page 11, line 45, to delete “A rights” and substitute “Subject to subparagraph (10), a rights”.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 14:

In page 12, between lines 20 and 21, to insert the following:

“(10) Where a delay by an employee in presenting a complaint under this paragraph is due to any misrepresentation by the employer, subparagraph (4) shall be construed as if the reference to the date of the contravention were a reference to the date on which the misrepresentation came to the employee’s notice.”.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 15:

In page 13, line 7, to delete “point” and substitute “question”.

This is a minor drafting amendment, proposed on the advice of the Parliamentary Counsel, to reflect the usual terminology applied where the Labour Court may refer a question of law, rather than the existing wording which is a point of law, to the High Court for its determination. Subsection (6) remains unchanged, which permits parties before the Labour Court to appeal to the High Court from a determination of the Labour Court on a point of law.

Amendment agreed to.

Acting Chairman (Deputy Charlie O'Connor): Amendments Nos. 16 to 19, inclusive, are related and may be discussed together by agreement.

Deputy Dermot Ahern: I move amendment No. 16:

In page 14, line 13, after “employee” to insert the following:

“(or, in the case of an employee who has not reached the age of 18 years, the employee’s parent or guardian with his or her consent)”.

As I mentioned earlier, section 6, inserting Schedule 1 of the Bill, contains a mechanism for complaints to a rights commissioner for employees who may have been threatened with penalisation, following the making by them of whistleblowers’ reports as provided for under this Bill. There is also provision for parents or guardians of employees under the age of 18 to make a complaint to a rights commissioner on behalf of the employee, subject to getting that employee’s consent to do so. The purpose of these amendments is to ensure there is specific provision for a young employee’s parent or guardian to take proceedings on his or her behalf on the basis that he or she has given consent to this. There is provision for the institution of proceedings by a parent or guardian under the Unfair Dismissals Acts or to recover damages at common law for wrongful dismissal as provided under amendments Nos. 16 and 17.

Amendments Nos. 17 and 18 provide more precise wording to clarify respectively that the employee’s parent or guardian cannot institute unfair dismissal proceedings or seek damages in common law in addition to making a complaint to the rights commissioner in subparagraph (8)(b). Amendment No. 19 reflects the previous amendments to clarify that the parent or guardian of an employee may, with his or her consent, apply to the Circuit Court for an order directing an employer to comply with a Labour Court determination.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 17:

In page 14, line 16, to delete “he or she” and substitute the following:

“the employee or his or her parent or guardian, as the case may be,”.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 18:

In page 14, lines 20 and 21, to delete “his or her parent or guardian” and substitute the following:

“the employee’s parent or guardian with his or her consent”.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 19:

In page 14, line 37, to delete “his or her parent or guardian” and substitute the following:

“the employee’s parent or guardian with his or her consent”.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 20:

In page 15, to delete lines 5 and 6 and substitute the following:

“on the compensation (at the rate per annum standing specified for the time being in section 26 of the Debtors (Ireland) Act 1840) for each day or part of a day”.

This is merely a technical amendment. As the Courts Act 1981 ultimately refers back to the Debtors (Ireland) Act 1840, this amendment results in a more direct reference to the effective provision where the interest rate is actually set.

Amendment agreed to.

Deputy Dermot Ahern: I move amendment No. 21:

In page 16, to delete lines 32 to 44 and in page 17, to delete lines 1 to 33 and substitute the following:

“6. (1) Where a confidential communication has been made to a confidential recipient, the recipient may disclose the identity of the confidential communicator to the Commissioner only if each one of the following provisions is complied with:

(a) the Commissioner—

(i) must be satisfied that knowledge of the identity of the communicator is necessary for the proper examination of the communication or the investigation of the alleged relevant offence;

(ii) must inform the recipient of his or her reasons for being so satisfied;

(b) the recipient must be satisfied that the Commissioner, before informing the recipient under clause (a)(ii), has taken all practicable steps to advance the examination of the communication or the investigation of the alleged relevant offence;

(c) the recipient must have informed the communicator of the situation and considered the communicator’s views regarding the disclosure of his or her identity; and

(d) the recipient must further be satisfied that, having regard to all the circumstances, the disclosure is necessary for the proper examination of the communication or the investigation of the alleged relevant offence.

(2) Where a confidential communication has been transmitted to the Commissioner pursuant to paragraph 4, the identity of the confidential communicator may be disclosed by the Commissioner to—

(a) a member,

(b) a civilian, or

(c) the Director of Public Prosecutions,

only where the Commissioner is satisfied that the disclosure is necessary for the proper examination of the communication or the investigation or prosecution of the alleged relevant offence.

[Deputy Dermot Ahern.]

(3) Subject to subparagraph (4), any member or civilian to whom the identity of a confidential communicator has been disclosed under subparagraph (2) may not disclose the identity to any other person without the authorisation in writing of the Commissioner.

(4) The Commissioner may give an authorisation referred to in subparagraph (3) only where he or she is satisfied that it is necessary for the proper examination of the confidential communication or the investigation or prosecution of the alleged relevant offence.

(5) Unless otherwise authorised under this paragraph, a confidential recipient, a member, or a civilian, to whom the identity of a confidential communicator has been disclosed may disclose the identity only with consent in writing of the confidential communicator or under an order of a court.”.”.

Deputy Pat Rabbitte: I wish to refresh my memory on Schedule 1. Amendment No. 12 excised lines 27 to 32 and replaced them with a different wording resulting in reinstatement in the job or re-engagement being one of the remedies open in those circumstances. What is the difference between that and the provisions of the Unfair Dismissals Act? Is it the employee or the person concerned who would make the choice as to whether he or she would take the route specified in this Bill or that specified in the Unfair Dismissals Act?

Deputy Dermot Ahern: Obviously, it is the employee’s right to choose either.

Amendment agreed to.

Bill, as amended, received for final consideration and passed.

Private Members’ Business

Nursing Home Care: Motion

Deputy James Reilly: I move:

That Dáil Éireann:

welcomes the publication of the investigation by the Office of the Ombudsman entitled, “Who Cares? — An Investigation into the Right to Nursing Home Care in Ireland”, and notes with serious concern:

- that the Ombudsman encountered unprecedented opposition and a lack of co-operation from the Department of Health and Children and the HSE in the course of conducting this investigation;
- that thousands of old people may have been deprived of their legal entitlement to nursing home care, under the Health Act 1970, for over four decades;
- that the Government has consistently failed to clarify entitlements to nursing home care, causing huge frustration and anxiety among older people and their families;
- that vulnerable older people have been forced to seek care in private homes, at huge cost to themselves and their families;

- that the State currently faces more than 300 legal actions from people seeking compensation for costs incurred from private nursing home care;
- that the cap on the fair deal scheme may force older people to pay for private nursing home care yet again;
- that in 2004 the State was forced to repay nursing home charges it illegally imposed on thousands of older people who held medical cards; and
- the persistent refusal of the Government to acknowledge the findings of reports published by the Office of the Ombudsman, and the serious implications this has for the future effectiveness of the Office of the Ombudsman; and

condemns the Department of Health and Children for its failure to cooperate adequately with the Ombudsman's investigation and calls on the Government to clarify the legal position regarding nursing home care.

I propose to share time with Deputies Noel Coonan, Seymour Crawford, Michael Creed and Michael Ring.

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

Deputy James Reilly: The purpose of this motion is to highlight unacceptable interference with the role of the Ombudsman. As the motion states, the Ombudsman encountered unprecedented opposition and a lack of co-operation from the Department of Health and Children and the Health Service Executive, HSE, in the course of conducting her investigation into the right to nursing home care in Ireland, an issue that concerns many families in this country.

I will first refer to some aspects of the Ombudsman's report and then discuss the first paragraph of the amendment proposed by the Minister. In response to this report the Department put forward a multiplicity of charges against the Ombudsman. They were that the Ombudsman exceeded her jurisdiction in undertaking the investigation; that she failed to abide by fair procedures, particularly with regard to the provision of a draft version of the investigation report; that she displayed prejudice and objective bias in the course of the investigation, which is a very serious charge; that she displayed arrogance in purporting to interpret the law, although when it comes to displays of arrogance this Government has been more guilty of it than any other body of which I am aware; and that the Ombudsman purported to deny the State bodies concerned the right to have litigation determined by the courts. In effect, the Department and the HSE are saying that the Ombudsman undertook this investigation in bad faith.

The Ombudsman states that her motivation to produce this report was to highlight the very significant difficulties faced over several decades by families seeking to make arrangements for long-term nursing home care for a family member; to represent, in many instances through their own words, the distress and upset, including financial, of people who complained to the Office of the Ombudsman over the years about nursing home care; to highlight the inadequacy and tardiness of the State's responses to these problems; to raise the issue of whether, and, if so, how, people adversely affected should have some recognition of having been failed by the State; and to raise wider questions of governance prompted by the practices highlighted in this report.

The Ombudsman said she is satisfied that the investigation is within the jurisdiction conferred on her office by the Oireachtas and that the requirement to provide relevant material served on the HSE and the Department constitutes a reasonable exercise of the statutory powers

[Deputy James Reilly.]

conferred on the Ombudsman. She stated that the challenge by the Department and the HSE to the Ombudsman's jurisdiction in this case is the most serious mounted against the Office of the Ombudsman since its establishment in 1984.

Fine Gael believes this challenge raises important issues both about the independent role of the Ombudsman and how she should discharge that role. From time to time there might be conflict between the Ombudsman and the HSE, but the Minister or any Department or agency of the State must not be allowed to frustrate statutory investigations. I hope the Minister will comment on this. Knowing what one's entitlements from the State are and being able to count on being given one's entitlements is a basic right, a right that is more important in the case of vulnerable groups such as older people. As the Ombudsman pointed out, at the heart of the report is the question of whether there is an enforceable entitlement to be provided with long-stay nursing home care by the health board, now the HSE. The Department and HSE contend there is no such right, while the Ombudsman believes there is such a right. The resolution of this disagreement lies in a careful analysis of the relevant health service law and, in particular, section 52 of the Health Act 1970.

The Ombudsman found that the health boards failed to fulfil their obligations to older people under section 52 of the Health Act 1970 and that this failure came about with the full knowledge and agreement of the Department. As a result of this failure, many older people and their families suffered significant adverse effects over several decades. The Government's health strategy, *Quality and Fairness — A Health System for You*, published in 2001, highlighted the need for new legislation to provide clear statutory provisions on entitlement. According to the health strategy this would involve reviewing and updating existing legislation, rationalising the framework for entitlement — not eligibility — and ensuring that eligibility arrangements would be simplified and clarified. This has still not happened.

When the HSE was dealing with the illegal nursing home charges and the establishment of the nursing homes repayment scheme, the Minister could have clarified entitlements for nursing home care. Again, this did not happen. Fine Gael believes the law should be clear and that the State agencies should implement the law as it is, rather than as they would wish it to be. The legislation should state what it means and should not be open to interpretation. If resources to meet statutory duties are not available, the legislation should be amended to reflect practice. The eligibility for health and personal social services Bill is at very early stages of drafting and we have no idea when it will be published. If it were published, we could clarify much of what is in dispute in this matter. It is absolutely certain that clear legislation pre-empts litigation.

At present, the State is defending in the High Court more than 300 legal actions taken by or on behalf of people who claim that their right to long-stay nursing home care has not been honoured. The claims of the plaintiffs are based on the contention that they have been forced to take up expensive private nursing home care because of the failure of the HSE to provide public care. The defendants are the HSE, the Minister for Health and Children, Ireland and the Attorney General, and various combinations of these. These families are seeking compensation from the State for costs. To date, none of these cases has gone to hearing and judgment in the High Court. The Ombudsman points out that this is rather surprising given that many of the cases were commenced more than five years ago.

Settlements involving some level of payment to the plaintiffs have been reached in at least a dozen of these cases but details of these settlements have not been disclosed. Perhaps the Minister could tell us why, if there were differences in these cases and what they were. As the Ombudsman points out, the situation regarding settlements is confusing in that both the Department and the HSE argue that the plaintiffs' cases are without legal merit and that the plaintiffs have no entitlement to compensation. One can only wonder why, in these circum-

stances, the State is paying public money to people whose claims it believes to be without foundation. Fine Gael believes the Minister must clearly point out why and on what basis these cases were settled. Does the State consider that settling individual cases by way of compensation is less costly than the case going to a hearing in court? What about the hundreds of outstanding cases?

The issues at stake here are interference with the Office of the Ombudsman and the Ombudsman's ability to perform her duties, and clarity for those who seek care from the State. It might be the Minister's contention that the Health Act 1970 contains so many qualifications that eligibility and entitlement are unclear. Will the Minister confirm media reports that her view is that while people may be entitled to eligibility, it does not mean they are entitled to services?

In 1976 the Supreme Court ruled that Maud McInerney was entitled to long-term care because under the 1970 Health Act inpatient services included such care. The confusion, however, remains. The Minister's amendment to the motion states the nursing homes support scheme "addressed the previous inequity by equalising State support for those in public, private and voluntary nursing homes" and "legally defined eligibility for long-term nursing home care". It has not, however, defined entitlement.

People's entitlements when they seek long-term care must now be addressed. If the eligibility for health and personal social services Bill was brought forward to clarify this, it would also indicate the State's responsibilities and place a cap on further exposure.

Deputy Seymour Crawford: I welcome the opportunity to speak on this important motion regarding *Who Cares? — An Investigation into the Right to Nursing Home Care in Ireland* by Ms Emily O'Reilly, the Ombudsman.

I watched with horror the "Prime Time" programme in which the Ombudsman tried to put across the failure of the Government and the Health Service Executive to co-operate with her investigation while, from another studio, the Minister for Health and Children, Deputy Harney, refused to speak about the facts, dwelling on the present rather than the past. Clearly, by agreement with RTE, the Ombudsman was refused the right to reply. This seems to be the type of agreement the Minister is able to extract from RTE. The same happened several months ago when she sat in RTE listening to the first-half debate on "The Frontline" and was then allowed the freedom to answer without debate in the second.

The Ombudsman's report, unfortunately, bears out the facts that many in this House have been raising for some years. I will never forget the case in which a relatively young woman in her early 70s and her more elderly husband, both diagnosed with Alzheimer's disease, had to be put into a private nursing home as no other accommodation was made available for them. All their family members were married with their own family structures to maintain, leaving them in an extremely difficult position as the cost of care came to €900 a week for each parent.

I remember another case where I persuaded an aged lady to sell off a portion of the family property to fund her in a private nursing home. When she ran into some health difficulties in that nursing home, the services were not even prepared to listen to her immediate friends. When they brought in their own family doctor, the person was rushed to hospital. Unfortunately, the situation was too late and the poor lady passed away. Although the hospital and post mortem findings were quite significant, the subsequent inquiry never communicated with the friends responsible for calling the doctor concerned. They were not allowed advise the inquiry of what really happened. Subsequently, the inquiry went nowhere.

Why was the Ombudsman obstructed by both the Department and the Health Service Executive? Will the Minister explain why some cases are settled on the steps of the courts? Does the

[Deputy Seymour Crawford.]

State believe settling individual cases by way of compensation is less costly than going to a full hearing? Considering the number of cases taken, why will the Minister not allow one case to proceed to legally clarify the position in this regard?

In May 2002, a close friend was placed by the health authorities in a private nursing home because no other bed was available. Her old age pension was part of the funding to that home. Her neighbour who went into a public nursing home later, however, received a refund under the refund scheme. No wonder there are legal cases.

There was a total failure in the legislation to clarify what people were legally entitled to or otherwise. There was a total failure by the Government to bring forward the necessary clarification in the law to ensure everyone was treated fairly. The subvention scheme which was available in the early part of the past decade was unclear. I dealt with nursing homes in the former western health board area which had received patients from the north-east health board area. Nursing home management simply could not understand the different regulations that were used between the two different areas.

When nursing homes increased their charges, the Health Service Executive under the Minister, Deputy Harney, refused to increase the subvention before the long-promised nursing home support Bill was introduced. This has resulted in nursing homes following patients for debts they never personally incurred because it was the health authorities that placed them in those homes, not a relative. Can one imagine a person 101 years of age being threatened with court proceedings?

For years I have called for the eligibility for health and personal social services Bill to be introduced to bring clarity to what people are entitled to and eligible for. I call again tonight for this Bill to be introduced as a matter of urgency. So far the nursing home support legislation has been of some benefit to families; this year it will come in at the proposed cap of €970 million. However, the Health Service Executive is winding down some of its public health beds with the ratio turning much more to the private sector. Our aging population is entitled to know what the future holds for them.

The Minister may believe she is above questioning by the Ombudsman. She will, however, soon be accountable to the people. Fine Gael believes this report raises important issues concerning the Ombudsman's independent role and how she discharges it. From time to time, there may be conflict between the Ombudsman and the Health Service Executive. However, the Minister for Health and Children, her Department or any other agents of the State must not be allowed to frustrate statutory investigations. The Minister must advise us on this.

Fine Gael believes the law should be clear and that State agencies should be implementing the law as it is rather than as they would wish it to be. Legislation must state clearly what it intends instead of being open to interpretation. If resources to meet statutory duties are not available, legislation should be amended to reflect that practice.

While I accept the eligibility for health and personal social services Bill is at an early drafting stage, there is no excuse for the continuing delay in its publication.

Deputy Michael Creed: I congratulate the Ombudsman for producing this detailed report, which meant her office having to travel a difficult road, and for being fearless in that respect. As her report states, she did encounter hostility from both the administrative and political side of Government. That is hugely regrettable. Coming as it does hotfoot on a previous report by the Ombudsman into the Lost at Sea case, it reflects poorly on the Government. It also indicates a pattern of behaviour by this Government that is contemptuous of the Office of the Ombudsman when it seeks to vindicate the rights of individual citizens. That is a regrettable

departure upon which the Minister should reflect seriously. When it was established under legislation in the 1980s, the Office of the Ombudsman enjoyed the support of all sides of this House. Clearly, however, the actions of the Minister and the Government, both in the context of this report and the Lost at Sea report, reflect a clear departure in respect of the Government's policy towards the Office of the Ombudsman.

It is interesting to note that there are no Green Party representatives in the Chamber. When the Lost at Sea report was raised initially the Government attempted to bury it, but at the insistence of the Green Party it was referred to the Committee on Agriculture, Fisheries and Food. Regrettably, however, the approach of "might is right" operates in committee. An inbuilt Government majority means that, having gone through the contents of that report in forensic detail, the committee divided along party political lines. It is regrettable that there were no Green Party members on the committee. The Fianna Fáil majority on the committee voted to reject entirely the findings of the Ombudsman's office.

As we can now see, at least initially, a similar report from the Government reflects the combined thinking of Independents, Fianna Fáil and the Greens. That is an alarming departure. If this was a functioning Legislature we should leave our party political hats outside the door in order to bring our distilled wisdom to bear on this report, as well as making recommendations which would have the *imprimatur* of a committee of this House acting in unison. Because of the Whips system, however, there is an immaturity beyond belief which demonstrates the Legislature's lack of self confidence. We hide behind political Whips while serious work, such as these two reports, are jettisoned for party political reasons. That is hugely regrettable.

In anticipation of this debate, I tabled two questions for the Minister for Health and Children. Unfortunately, however, for some unknown reason, the Ceann Comhairle stated that the Minister had no official responsibility to Dáil Éireann for these matters as they anticipated the debate on Private Members' business scheduled for this week. The questions concerned the amount of compensation paid and the number of legal cases pending. I cannot understand why the Office of the Ceann Comhairle believes that providing such information in advance of this debate would in some way seriously undermine our capacity to have a rational discussion, or in some way transgress the rights of Members or of the Minister to protection.

As a Member of this House I am fed up of being abused by a process which means that I cannot carry out my duties as an elected Member to hold Ministers to account. This system is broken beyond repair. It requires radical surgery to make this a functioning democratic Legislature whereby we would not just rubber stamp decisions but would hold Ministers to account. That is a clear weakness in the current system.

This report is essentially about section 52 of the Health Act 1970 and whether rights to nursing home care as enshrined in that legislation were denied. I was doing a quick calculation and I think that reflects on the management of 13 different Governments and possibly more Ministers for Health in that period. In so far as we on this side of the House may have been implicated in the denial of those rights, I wish to apologise personally to people who were adversely affected. The Ombudsman's report clearly states that there was a denial of entitlement. Given the precarious nature of our public finances, it is fortunate that the Ombudsman did not go down the road — as she did in the previous report on the Lost at Sea scheme — of outlining a solution. The hardship that was suffered by the denial of these rights caused serious financial pain to those who were adversely affected. It is a reflection on the maturity of the Office of the Ombudsman that it has not gone down that road, but asked this House to reflect on the matter. If we had displayed some degree of maturity in reflecting on an Ombudsman's

[Deputy Michael Creed.]

previous report, that would have been the way to proceed. Regrettably, however, we have not done so, which is a big problem.

The HSE assumed the responsibilities of eight former health boards, but it is now beyond redemption. The Minister knows it is impossible to get any accountability through representations by individual Members via parliamentary questions. For instance, when I sent in a query nearly two months ago about a development in my constituency, a senior manager in the HSE South replied stating this matter would be dealt with as a matter of urgency. Two months later, however, I have still received no response. The same body issued an unwritten edict to senior staff in the throes of the 2007 general election to say that no bad news was to emanate from the HSE South during that campaign. That is a fact, so the HSE is beyond redemption. It betrays the good efforts of thousands of its frontline staff, in addition to well-intentioned middle management. The sooner the HSE's structure is dismantled the better. We should start again with a blank canvas to put in place a public administration for our health services that captures the abilities of those who work there. It should enable them to deliver services more efficiently.

The report accuses the HSE and the Government of obstruction and unprecedented intervention. The Government amendment asks the House to note that the jurisdiction of the Ombudsman relates primarily to administrative actions and does not encompass issues such as Government policy, legislation passed by the Oireachtas, the conduct of litigation by the State and the wider governmental process. In her reply to this debate, the Minister should explain how the Ombudsman can carry out her duties if she is not entitled to assess how those charged with implementing legislation carry out their administrative functions. How can the Ombudsman conduct her functions if she is not in a position to assess how administrators interpret legislation passed by this House? She is not seeking to direct or overturn legislation, but in the administrative process is seeking to see if legislation is being properly implemented.

Deputy Crawford referred to the interview given by the Minister when she appeared on the "Prime Time" television programme. The Minister wanted to draw a line under everything that happened up to the introduction of the nursing home subvention scheme. The scheme is welcome and has delivered some clarity to the situation, but it was as if we should not hold anybody to account for anything that had happened prior to that date. While the Minister and the Government may wish that to be so, it simply cannot be the case. If citizens were previously denied their entitlements and legal rights just because we addressed the matter from a specific date, it does not mean that discrimination did not happen or that those responsible should not be held to account.

The Government amendment goes on to state that Dail Éireann notes with concern the way this particular investigation was undertaken and in particular the failure to follow fair procedure. Time does not allow me to elaborate on all of the issues I would like to address in respect of the report before us. It would be preferable to proceed by referring this report to a committee of the House to investigate it in a forensic manner. The experience of referring the Ombudsman's report on the lost at sea scheme to a committee of the House was futile and meaningless. I sat through every deliberation of the committee for many weeks, with all parties given an opportunity, but the fact that deliberations of the committee were thwarted by a simple vote that was railroaded through by a Government majority raises the question of what the purpose is here. The Government sees this House as a nuisance and an interference in its divine mission to govern. That mission will come to an abrupt end shortly but we need to reform the way this House does business. It is not serving the best interests of the citizens we represent. It will seriously undermine the Ombudsman's office if it does not take this report seriously.

Deputy Michael Ring: I compliment Deputy James Reilly on tabling this Private Members' motion. It is sad that it is before the House. Many years ago, I was Fine Gael's deputy spokesman on health. One of the issues I dealt with was older people. I raised this issue on a continual basis in regard to the way the health boards were treating the elderly in the country. I refer in particular to those who had medical cards and were entitled to public nursing homes but the State was unable to provide beds for them. Many found it difficult to look after their loved ones, they found it difficult when they had to go into the private sector and they found it difficult to raise the necessary finances. Serious injustice was done to these people.

Then, people who were in private nursing homes had money paid back because the State wrongfully took this money from them. People have been hard done by and there are many cases in the Four Courts awaiting adjudication. I cannot understand why these have not been adjudicated on by now. Some cases have been settled and we should know what ones have been settled and why. Many feel injustice was done.

I compliment the Ombudsman on her bravery and guts. The Minister should bring in the officials in her Department who did not co-operate with the Ombudsman. I can understand how the Ombudsman feels on this point. I thought this House was part of a democracy and that its wishes would be obeyed by civil servants and the HSE or the health boards as they were then. People within the health service think they are more powerful than the Minister, who has allowed something to happen that should never have happened. The Minister of State, Deputy Áine Brady, is an honest, decent woman — no more than the Minister — and both mean well. However, they have let down the people of this country. They handed over the power of their office to individuals who never stood for election and who do not seem to understand democracy. I will give a simple example concerning the Minister of State, Deputy Brady, who means well. The Government has a national policy on home help. In the constituency of Mayo, where I come from, the HSE has disobeyed the Minister's policy and has cut hours even though the Minister of State has informed me that, under the national framework, they should not be doing so. They continue to do so. When I look for information from the HSE, I cannot access it.

I am glad there is the Ombudsman, who is independent of this House as an outside agency. Sometimes I get annoyed with the media because they criticise Deputies for tabling Dáil questions and tell us they cost €200. I do not see how a Dáil question could cost €200 when we do not get answers to them. The Minister of the day will send me a reply saying the Minister has no responsibility for the HSE. If it is costing €200 to send this message, it is no wonder the country is in the state it is in. Will the Minister do anything about the HSE in regard to queries I have tabled? Today, I asked the Minister and the Ombudsman about Dáil questions, and letters I sent to the chief executive officer in Mayo that have not been replied to since April.

Yesterday, a constituent of mine criticised me for not responding on the subject of a loved one whose home help hours were cut. The home help had to go across the fields to bring bread and milk to that person and the hours of home help were cut. I wrote to the HSE and tabled Dáil questions. I did not receive an answer from the Minister or the HSE. I have now sent all of the correspondence to the Ombudsman to see if she can elicit a reply. I thank her for her courage and guts. I am sure she sees the frustration of Members on this side of the House. Dáil Éireann is supposed to be about accountability. People died in this country to provide this Parliament. Over the past number of years, the situation has developed where people outside dictate to the House. Questions to the Department of the Environment, Heritage and Local Government are referred to its website. At the Department of Health and Children, one is told the Minister has no responsibility. At the Department of Education and Science, staff are too busy to compile the information. The Leas-Cheann Comhairle or the Ceann Comhairle

[Deputy Michael Ring.]

must sit down with the leaders of the parties. We must do something about reforming this House because it means nothing.

An Leas-Cheann Comhairle: We had a debate on that matter this time last week.

Deputy Michael Ring: I wanted to highlight that point.

Deputy Michael Creed: Did we get reform?

Deputy Michael Ring: No, there will never be reform of this House until something is done and the people come onto the streets.

Deputy James Reilly: A change of Government.

Deputy Michael Ring: When we get into government, I hope we will bring real reform. Fine Gael is talking about disbanding the HSE, the biggest monster we have ever created. Talk about monsters that frighten children in November, this is the greatest monster and it is costing us billions to keep it alive. No one knows what is going on. Last night at a public meeting, one of the home help women told me she received letters to attend to two people but both were dead. It is no wonder the HSE is in disarray.

Regarding the Ombudsman's report, I hope the Minister will answer some of the queries raised. It is a sad day in this country when we depend on the Ombudsman, an independent person, to investigate legislation in this House and what a State agency is doing. That should be done within the confines of the House. We should have the powers to do so, perhaps at the level of parliamentary committee, and it is wrong that we do not. This must be dealt with.

People who depend on the State have been very badly let down. People were entitled to beds in State homes but beds could not be found for them. The State seemed to wash its hands of them even though the legislation was clear that anyone with a medical card over 65 years of age was entitled to a bed. The State let them down and if the State was not able to cope or provide beds, it should have helped them to get beds in the private sector. These people have been let down by the Government, by this Parliament and by the HSE. Something needs to be done so that it never happens again.

I remember visiting a State nursing home in Belmullet. Someone tipped me off that things were not right. When I came into this House after visiting it, I contacted the health and safety authorities. They visited the home and threatened to close it down. Someone broke a leg there. After I raised the matter here, the health board rushed out and spent €600,000 developing it. I should not have to raise that. People should not have been left in those conditions. The health board itself could not get down there quickly enough with the spin and to get the work done. It tried to castigate me on the grounds that I should not have raised the matter. I should have raised it. Elderly people should not have been left in those conditions. What has gone on with the elderly of this country is wrong. I hope the Minister will respond to the Ombudsman's report and that what happened in recent years will never happen again.

Minister for Health and Children (Deputy Mary Harney): I move amendment No. 1:

To delete all words after "Dáil Éireann" and substitute the following:

— notes the introduction by the Government of the Nursing Homes Support Scheme which legally defined eligibility for long term nursing home care and which addressed the previous inequity by equalising State support for those in public, private and voluntary nursing homes;

- notes that the HSE has received almost 16,500 applications for the Fair Deal Scheme to date, of which over 12,250 have been approved with other applications continuing to be processed on a daily basis;
- notes that the budget in respect of long term care for 2010 for the Fair Deal Scheme and for those remaining in public long stay facilities and receiving subvention in private facilities is over €979 million in 2010;
- recognises that eligibility for in-patient services under section 52 of the Health Act 1970 has always been subject to, *inter alia*, the availability of resources;
- notes that the jurisdiction of the Ombudsman relates primarily to administrative actions and does not encompass issues such as Government policy, legislation passed by the Oireachtas, the conduct of litigation by the State and the wider governmental process;
- notes that the representations submitted to the Ombudsman set out very clearly the Minister's views on extracts from the draft report and were endorsed by the Government;
- notes with concern the way this particular investigation was undertaken and, in particular, the failure to follow fair procedures;
- notes this Government's commitment to services for older people which, as well as the introduction of a national scheme of financial support for long term residential care (Fair Deal) and the introduction of new standards, regulations and inspections for designated centres for older people, has also seen an additional €200 million invested in community services such as home help, home care packages, meals on wheels and day/respite care; and
- supports the Minister's plans to continue to develop and improve services for older people."

I wish to share time with the Minister of State, Deputy Áine Brady, and Deputy Cregan.

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

Deputy Mary Harney: I robustly and strongly defend the role of the Department in the investigation by the Ombudsman. Section 4 of the Ombudsman Act 1980 states:

Subject to the provisions of this Act, the Ombudsman may investigate any action taken by or on behalf of a Department of State or other person specified in Part I of the First Schedule to this Act (being an action taken in the performance of administrative functions) where, upon having carried out a preliminary examination of the matter, it appears to the Ombudsman....

Under legislation, the Ombudsman is not entitled to interpret the law or to make the law, nor is the Ombudsman entitled to the State's legal strategy. I thought it was interesting that my Department was asked for that by the Ombudsman following the enactment of the Nursing Home Support Scheme Act. She wrote to the Department on 30 July 2009 seeking certain information. The legislation had been passed in June 2009. That was refused on the strong advice of the Attorney General on the basis that the Ombudsman was outside her jurisdiction. The Department took issue with two matters on the advice of the Attorney General. I emphasise that because in her report the Ombudsman criticised the Department for failing to take

[Deputy Mary Harney.]

the legal advice on charging medical card holders that were in public nursing homes, yet she went on to criticise the Department for being overly reliant on legal advice. You cannot have it every way.

The first point on which we took issue is that we said we could not interpret section 52 of the 1970 Act as we were not free to do that. The second point is that we could not inform the Ombudsman of our legal strategy on cases against the State. It is not just an administrative matter. The Minister, in defending actions on behalf of the State, does so in her executive capacity. Every citizen is entitled to protect their legal strategy under the Constitution. We would totally undermine our position if our legal strategy was to be the subject of an investigation by the Ombudsman. In her own report——

Deputy Michael Creed: On a point of order.

Deputy Mary Harney: Yes, I will take the point of order.

Deputy Michael Creed: Will the Minister outline what was the legal strategy?

An Leas-Cheann Comhairle: That is not a point of order.

Deputy Michael Creed: Was it more to do with financial constraints than any legal constraints?

An Leas-Cheann Comhairle: The Deputy had a long innings. He should please allow others to be heard in this House without interruption.

Deputy Michael Creed: The Minister is hiding behind legal excuses.

Deputy Mary Harney: On page ten of the report the Ombudsman indicates a list of things she requires, including the actions of the Department and the Health Service Executive in response to legal proceedings initiated on behalf of patients, information on legal proceedings and documentation. On page 109 of the same report she indicated that she did not want that. She said the present investigation did not extend to include the manner in which the Department and the Health Service Executive had been handling the litigation. It is very confusing. That was the big point of difference.

The Ombudsman, as an officeholder of the State is entitled to her good name and the presumption of good faith. As an individual she is entitled to that too, but so are civil servants, both as office holders and individuals. I stand fully behind the civil servants in my Department in the office for older people. They are people of integrity who are completely committed to the cause of older people but they work within the law and the resources that the Oireachtas makes available. They are not free to interpret the law nor do they make the law. I will not deal with the issue tonight as it goes beyond nursing home care but the Ombudsman had a lot to say about the role of the Executive *vis-à-vis* Parliament and the role of Ministers *vis-à-vis* civil servants. Again, that is completely outside her remit. I say that on the strong advice of the Attorney General.

Deputy Michael Creed: The report makes for uncomfortable reading.

Deputy Mary Harney: No. All officeholders must live by the Constitution. We all have clearly defined powers. Section 5 of the Ombudsman Act states that the Ombudsman may investigate a matter but if the person affected by the action has initiated any court civil legal proceedings and the proceedings have not been dismissed for failure to disclose a cause the Ombudsman is

precluded from investigating the case. In spite of that, the case of Mrs. B, who is the centrepiece of the investigation, is currently before the High Court. That was made very clear to the Ombudsman. In a letter of 29 August the Ombudsman said she would not deal with litigation yet that case is the centrepiece of her report. She mentioned many other cases that she would not investigate but she would presume she could rely on the complaints. If we got complaints and did not investigate them nobody would take us seriously. The issue is one of law. The Ombudsman's role is clear in the law. On the advice of the Attorney General to me, my Department and to the Government, the Ombudsman went way outside her authority on the investigation.

I wish to deal now with the substance of the report. The Ombudsman said we failed to bring legal clarity on the eligibility of older people to care. The nursing home support scheme could not be clearer. It has now supported 12,200 people in long-term care. Two hundred individuals have been refused care. Relatively speaking, that is a very small number. One of the officials involved in the nursing home scheme was speaking today at an OECD meeting because of the interest expressed in the scheme. The British Government has asked for a copy of the scheme and Norwegians have come to this country to ask about it also. Many countries see our long-term support scheme as not only sustainable and fair but one they would like to mirror in their own countries. In Britain 60 old people a day sell their homes to pay for long-term care.

The reason we introduced the nursing homes support scheme is that the system we had was grossly unfair. There is no doubt about that. I said that when I brought the legislation through this House. To be fair to parties opposite, with the exception of Sinn Féin, the nursing homes support scheme was broadly supported. I accept Deputies had issues with it but it was broadly supported as it was seen to be a reasonable attempt to introduce a system of support for older people and their families that was fair to families. Heretofore, if one were in a public nursing home 90% of the cost of care was paid regardless of one's means. If one were in a private nursing home 40% of the cost of care was paid. Now we have a nursing homes support scheme that treats everyone equally.

Everyone is entitled to an assessment of his or her need. That assessment of need is done on the same basis for every single individual. In the case of the 200 applications which were refused, some decisions were made on the basis that applicants were not regarded as people who were in need of or suitable for long-term care. Everyone has a financial assessment, again, based on his or her means. Everyone gets support on that basis. Nobody pays more than 80% of his or her disposable income, whatever that is. Everyone is entitled to keep 20% of his or her income.

I visited three nursing homes in the past week. Some of the correspondence we receive from families show considerable support, especially from those who were supporting parents or loved ones in nursing homes for many years. Nursing home care was completely unaffordable for many people, some of whom had to sell homes, remortgage or take out big loans. In the current financial circumstances I cannot imagine what that would have been like.

In 1993 the then Minister, now Leas-Cheann Comhairle, Deputy Howlin, introduced the nursing home subvention scheme as an honest attempt to support people in private nursing home care. The allocation for the scheme was £5 million in 1993. It rose to €350 million in its final year of operation. The subvention is still being paid to some people, on the basis that no one was going to be adversely affected, but nobody new can avail of it. This year, between the subvention and the nursing homes support scheme we are spending just under €1 billion.

The Department's estimate of support required for the rest of this year is sufficient to meet the demand. Notwithstanding the financial pressures we are under, that money is being ring-fenced for next year. We are providing sufficient money. On the issue of eligibility and entitle-

[Deputy Mary Harney.]

ment, in every country in the world entitlement is subject to a cap on resources. Nobody has infinite resources for health. Whether it is in the United States or in Europe a finite amount of money is available to fund health. Therefore, eligibility must be governed by the resource cap that is available in any year. This has been the policy of successive Governments, although it means waiting lists for services in many areas. The Ombudsman seems to take the view that it is never acceptable to have a waiting list. Nowhere in the world is there not a waiting list. It is not realistic in the context of a finite amount of resources. For the foreseeable future, however, we will be able to provide the resources required to meet demand.

Not only can older people get supports on the basis of their means and a single assessment of need, but nursing homes are all quality assured. Two nursing homes have already been closed down by the Health Information and Quality Authority, HIQA. Nursing homes are inspected against rigorous environmental and, more important, care standards. Everyone must have an individual care plan, which must be implemented. We are receiving considerable praise from nursing home residents and their families for our new standards of care. Last week, I attended the first inaugural awards for private nursing homes, presided over by Uachtarán na hÉireann. It was great to see people being enthused about the even-handed approach to inspection in the public and private sectors.

In the Ombudsman's report, she was critical of a number of factors, including what she calls marketing and spin. On page 129, the report unfairly refers to public servants being involved in political marketing and spin.

Deputy Michael Creed: They are, particularly in the HSE.

Deputy Mary Harney: No. We have an honourable public service. It serves Ministers of every ilk without fear or favour. That has been my experience and is the way it should be. Since civil servants have been criticised for devoting undue time to parliamentary questions, Adjournment debates and——

Deputy Michael Creed: They do not answer parliamentary questions.

An Leas-Cheann Comhairle: Please, Deputy Creed should allow Members to address the House without interruption.

Deputy Mary Harney: When people are critical of what they call the political role, they are referring to serving Parliament. In a democracy, civil servants should serve Parliament. That is what they are here to do.

Deputy Michael Ring: That is right.

Deputy Mary Harney: Elected Members must decide what is in the public interest, civil servants are meant to serve us, the courts interpret the law and so on.

Deputy Michael Ring: They have not believed that for the past few years.

Deputy Mary Harney: The Ombudsman is critical of what she calls the marketing and spin involved in calling this the fair deal. On page 103 of her report, however, she refers to the nursing home support scheme being so poorly drafted that it would be incomprehensible to the average citizen or even the reasonably well educated lay person. It is difficult to believe this is valid criticism of legislation that is doing so much good.

As the Government was so concerned by the Ombudsman going way beyond her remit in her report, I wrote a strong letter on the advice of the Government and drafted by the Attorney

General. Regarding fair procedures, twice after the Ombudsman initiated her inquiry she made public statements — once at the MacGill summer school in July and previously during the nursing home conference — in which she set out her views. This was at a time when she was asking the Department to respond. Eleven times the Department asked for a copy of her report, to which we were entitled under the Act. Section 6 states: “The Ombudsman shall not make a finding or criticism adverse to a person in a statement, recommendation or report under subsection (1), (3) or (5) of this section without having afforded to the person an opportunity to consider the finding or criticism and to make representations in relation to it.” The report was out for two hours before we received a copy. A journalist could ring at 10.30 a.m. last Wednesday and tell us the gist of what the report contained. That is incredible, but it is the story. Fair procedures were not followed, which is not something I say lightly.

I am a strong fan of having an Ombudsman for Children and an Ombudsman, Ms Emily O’Reilly. They are important roles in a democracy. In the case of the latter, she protects the rights of citizens who have been grievously dealt with administratively by Governments. No more than myself or any other constitutional officeholder, though, the Ombudsman must operate within the law as laid down. I make no apologies for vigorously and robustly defending on behalf of my Department the fact that it could not reveal the legal strategy we were adopting.

Some 400 cases have been taken against us and how quickly a case advances is a matter for the plaintiff. There have actually been 13 settlements, so I was wrong last week when I said 12. We are vigorously defending the Mrs. B case referred to in the report. Many of the cases against us are taken by estates where the individuals concerned have passed on. If we were to compensate, we reckon the amount involved would be approximately €7 billion. There is no pot of money from which to compensate people, so the compensation would come from today’s services. We could not possibly countenance that, nor could anyone in my position.

Deputy Michael Creed: Is the Minister’s defence financial rather than legal? No one can say the law did not exist or that people did not know about it.

An Leas-Cheann Comhairle: Deputy Creed should allow the Minister of State, Deputy Áine Brady, to contribute.

Deputy Mary Harney: It was not illegal. It——

An Leas-Cheann Comhairle: Please, through the Chair.

Deputy Mary Harney: I beg your pardon.

An Leas-Cheann Comhairle: I will not have the House reduced to a screaming session. If Members want to be orderly and listen to others, this is a Chamber of debate. The Minister of State without interruption.

Minister of State at the Department of the Health and Children (Deputy Áine Brady): It is the Government’s policy to support older people to live in dignity and independence in their own homes and communities for as long as possible. To this end, an additional €200 million has been invested in community services. Where support in this way is not feasible, we support access to quality long-term residential care where appropriate.

In line with the introduction of the fair deal scheme, the Government was conscious of the need to ensure that, once access to residential care was available to those who needed it, the quality of the care would need to meet rigorous standards. It is important that we have effective mechanisms in place to maintain and enhance public confidence in the delivery of quality

[Deputy Áine Brady.]

services. The welfare and safety of each resident guides us in reforming the health service and we in Government place great importance on the policies, standards and legislation we are implementing.

We are all aware of previous failings and their impact on residents and their families. It is important that the lessons we learn from these few, but controversial and well publicised events will continue to inform our thinking in respect of long-term care. We must take all necessary measures to prevent such events recurring. Residents, their families and the public need to be reassured that an independent regulator is monitoring the care residents receive. The Health Act 2007 provides this, with a regime designed to reassure through an independent inspection and registration system for residential services.

On 1 July 2009, statutory responsibility was given to the Chief Inspector of Social Services, part of HIQA, for inspecting and registering nursing homes. This responsibility is underpinned by a comprehensive quality framework comprising the Health Act 2007, the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2009, the Health Act 2007 (Registration of Designated Centres for Older People) Regulations 2009 and the national quality standards for residential care settings for older people in Ireland.

The national standards consist of 32 standards focusing on the outcomes for the resident under seven groupings, those being, rights, protection, health and social needs, quality of life, staffing, the care environment and governance and management. These standards provide the basis for the best quality of care to be provided, monitored and enforced in all nursing homes. The standards acknowledge the unique and complex needs of the individual at the centre of care and require service providers to deliver a person-centred and comprehensive service that promotes health, well-being and quality of life.

We must also acknowledge that the standards are about much more than infrastructure. They are a blueprint for the provision of a higher standard of care delivered against a set of understood and developed criteria and are designed to improve and enhance care and to recognise good practice. All homes are subject to the same core standards in respect of quality and safety.

As formal standards are a key requirement for inspection and registration, all current residential facilities for older people must comply with both the national standards and the regulations underpinning them. If a nursing home is not in compliance, it may either fail to achieve or lose its registration status. Our overall emphasis is on promoting a high-quality patient-centred service delivered to those who require it and in the most appropriate setting. HIQA has registered more than 600 designated centres for older people in accordance with the Health Act 2007. To date, the authority has inspected all of these designated centres and carried out more than 900 inspections.

Recent years have brought significant changes to the nursing home sector. By introducing this new system of registration and inspection in 2009, we changed the landscape of the regulatory framework for all nursing homes. As the Minister of State with responsibility for older people, I am proud of the Government's achievements in this regard. We have a national system of financial support for all those assessed as requiring long-term residential care.

We have underpinned this with a quality assurance mechanism of standards and care and welfare regulations, subject to independent inspection by HIQA. Fundamental to all of these initiatives has been the principle that the resident and his or her family are at the centre of the service and all decision making.

This shows clearly the Government's commitment to older people, a commitment we are continuing and will continue to uphold.

Deputy John Cregan: I welcome the amendment as proposed by the Minister, Deputy Harney, and I am glad of the opportunity to say a few words on this important issue.

At the outset we should remember that we are discussing health and the Department of Health and Children. We have to factor in the budget that is available and the pay bill required to pay the many people who provide their services. Then we are left with an amount of funding which must be quantified and controlled in good times and bad. The Department of Health and Children is in competition with other Departments for scarce finance, and we must start from that premise.

Given the huge demands on that Department it is very difficult to provide adequate resources for all the different disciplines and demands. If we are to be honest in this debate, we should not lose sight of that. Care of the elderly has always been a core value of my party and of Government. In recent years where the economy was in surplus we increased the budget enormously and that should be acknowledged. We must look at the enormous increases that have been put into all the different health disciplines in those years, all very welcome, but each one must have a definite amount of money allocated to it.

We are talking specifically about the care of the elderly, nursing homes etc., and HIQA has been mentioned etc. I welcome the fact that HIQA, as the regulatory body, is doing its rounds throughout the country and is responsible for the registration of nursing homes. If we did not have Leas Cross and its likes, we would not require HIQA, and this must be acknowledged as well. Unfortunately that is the type of world we live in, however. If people did not break the law, we would not need gardaí on the streets. They do, and we must accept that. People have broken the law blatantly in the nursing home sector and we have to acknowledge that the regulatory position had to be corrected. HIQA is now doing that job. One can talk about bureaucracy, red tape etc., but ultimately there has to be a satisfactory regulatory body to ensure that the best care is given to the elderly when they are obliged to finish their lives in nursing homes.

I have seen both sides, both personally and in my constituency work, as regards people doing their best to cater for the elderly in their own homes. We talk about the home care packages, home help hours, visits from the community health nurse and all the different back-up services that we try to have in place. Of course we do not live in an ideal world, and we all wish to enhance those services more, but by and large the vast majority of people living in their homes are well-supported. As regards institutional care, there are both public and private facilities to be considered. On many occasions in this Chamber I have made criticism to the effect that discrimination was being applied when decisions were being taken about where elderly people were being placed. Those fortunate enough to get places in public facilities — I am not sure what the selection criteria were, perhaps social and medical circumstances — paid a small price for their keep. On the other side of the coin, a next door neighbour, perhaps, might have been unfortunate enough to have had to go to a private facility. I am not referring to the level of care. When a person had to go to a private facility, the bill was anything from €500 to €1,000 or whatever. There was the person's pension, a subvention paid by the State and in many instances there was a shortfall which had to be made up by the family. In many instances, such families were at the pin of their collar to put their children through college perhaps, and have some degree of quality of life. I greatly welcome the fact, therefore, that we have taken out the discrimination and now have a system that is equal and fair to all, whereby people may apply for the fair deal, and be assessed.

There will always be delays in certain cases, where people make applications. My understanding is that the applications are straightforward and are being dealt with relatively quickly. I

[Deputy John Cregan.]

support the view expressed by the Minister when she referred to public officials in the Department of Health and Children and also the HSE. We are probably too inclined to be negative as regards the work they do. The vast majority of public officials I meet in the course of my duties as a public representative, whether in local authorities, the HSE or Departments of State, are good people and do a good job. As in any part of society, one will find people who work more efficiently and better than others, and those who are more responsible than others. This is a fact of life and we have to put up with it. When one is dealing with an organisation of more than 100,000 employees, one must be sensible and realise there will be difficulties. One must also acknowledge the vested interests that exist within the system, which can create further difficulties. It is time, however, that we are honest about the debate.

Like everyone else, I should love to see more home help hours and home care packages. However, I can recall as a member of Limerick County Council that if one suggested to the county manager or officials at budget time that one wanted to make changes in what was being proposed, one would be asked to find the necessary savings someplace else. We have to be sensible here. There is a limited amount of funding and there are enormous demands on it. There are many disciplines in health provision that are all seeking parity with each other, if not more funding. The situation is very difficult.

However, as regards the arguments being put forward tonight, I am proud of the fact we have supported and enhanced the facilities that have been provided, which have ensured a better quality of care for the elderly, whether in their homes or in institutions throughout the country. I acknowledge that HIQA has a job to do, and this can cause difficulty perhaps for some groups at times. I had occasion to speak to the Minister about a voluntary respite centre in my home town, Drumcollogher, probably unique in the country, with 20 beds. That is not long-stay care, and the difficulty it faced was that it could not tick the boxes, effectively, since the criterion as laid down by HIQA was basically the provision of long-stay care. I welcome the fact that this is now being looked at and I am sure it will help other places as well as Drumcollogher's respite centre. We must accept the facts of life. We have nursing homes, we have to have standards and registration and by and large they are all providing a good and worthwhile service. However, we must also acknowledge that we are working within a particular budget which this Government and Minister has increased year on year, and substantially so over the last ten years.

No matter what government is in power, we must acknowledge that we have to draw the line somewhere. We have to give the best possible service, but we must be realistic as well. We have to live within our means. I support the amendment and commend the Minister on her work.

Deputy Jan O'Sullivan: I wish to share time with Deputies Ó Caoláin and Penrose.

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

Deputy Jan O'Sullivan: I commend Deputy Reilly on tabling this motion and giving us an opportunity to address what is a serious situation that arises for the people of this country. Having listened to the Minister, it is a critical issue that there is such a divergence of view between, on the one hand, the Government and Minister for Health and Children, Deputy Harney and on the other, the Office of the Ombudsman, the Ombudsman being the champion of the public with regard to administrative matters in regard to the law and the State and the various functions carried out by the State on behalf of the public.

The Minister gave a robust defence of her Department and the Government's perspective on this matter. However, the Ombudsman is not in this Chamber to defend her office and the manner in which she interpreted her duties under the 1980 Act. I believe it behoves us on the Opposition side to express in so far as we can where the Ombudsman and her office were coming from on this issue. It is a serious situation for the citizens of this country that we have this relative stand-off between Government and the Office of the Ombudsman. I do not believe this stand-off will end at the conclusion of this debate. This matter needs to be resolved in the interests of citizens. The public must have confidence that there exists an office that will stand up for their rights, one which Government will respect. There is a serious issue here in terms of Government respecting the Office of the Ombudsman.

This is against the background of other champions of the rights of the public being spangled in various ways, including the dilution of the Freedom of Information Act, the spangling of the Equality Authority and the abolition of the Combat Poverty Agency. We now have this disagreement with the Office of the Ombudsman and previous disagreement with it in regard to the Lost at Sea report. The public needs to be sure it has robust champions of their rights. This is a serious issue.

I would like to set out the detail in terms of where I believe the Office of the Ombudsman was coming from on this matter. The Ombudsman refers in her report to more than 1,000 complaints having been received since 1985. She is clearly responding to issues raised by members of the public with regard to the interpretation by the State of the 1970 Act, which is the legislation on which the Ombudsman primarily basis her report, as did her predecessor, in regard to peoples' rights to nursing home care. While at that time there was a different Minister and Ombudsman in office, essentially the issue was the same. The issue was not resolved.

At that time, the Government indicated it would introduce legislation in regard to eligibility. The point at issue was whether eligibility and entitlement are the same and whether eligibility grants a person entitlement. There was a commitment given that legislation would be introduced to clarify peoples' entitlements under the 1970 Act. It is, therefore, disingenuous of the Minister for Health and Children, Deputy Harney, to say that the Ombudsman was raising the rights under the fair deal legislation. What the Ombudsman was saying is that the rights of the 1970 Act supersede what is contained in the fair deal legislation and, therefore, she was essentially dealing with the 1970 Act, as was her predecessor. That is my interpretation.

The Ombudsman in her conclusions specifically states that the State, through its agencies, the health boards, HSE and the Department, has failed over many years to provide people with their legal entitlement to nursing home care. She further states that the HSE and the Department, with the support of the Government, have opposed the Ombudsman investigation and have made very serious charges against the Ombudsman's office. In effect, the charge is that the Ombudsman has acted in bad faith in its conduct of this investigation. The Ombudsman totally rejects these charges.

The Ombudsman looks at issues first raised by her predecessor in 2001 in a related investigation report to do with how we govern ourselves and concludes that the problems identified in 2001 have become more deep seated in the intervening decade. The Ombudsman concludes that the health board-HSE failed to fulfil its obligations to older people under the Health Act 1970 and that this failure came about with the full knowledge and agreement of the Department.

The Ombudsman makes clear that what she is referring to is rights under the 1970 Act. She also makes clear that she believes she does have a right to carry out this investigation. In effect,

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if this is not the case, and the Government is now contending that the Ombudsman does not have that right, this should have been dealt with after the 2001 report. The Ombudsman, Emily O’Reilly, states in her report that it was expected that it would be dealt with under eligibility legislation but that never happened. When it did not happen, the Ombudsman instigated this further report. I can see a legitimacy in the Ombudsman’s argument that what she was doing was within the scope of her rights under the legislation and that she was dealing with the administration of legislation by the State, namely, the 1970 Act.

I would like to set out the history of what happened since the 2001 report and the issue then raised in regard to eligibility and entitlement. Mr. Kevin Murphy was Ombudsman at the time the Government stated it disagreed with the Ombudsman’s interpretation of the law. It also said it would address the issue by way of the introduction of legislation. The Government amendment states that the Government recognises that eligibility for in-patient services under section 52 of the Health Act 1970 has always been subject to, *inter alia*, the availability of resources. That is a statement of fact. It is the Government’s interpretation, which is still contended by the Office of the Ombudsman. This is where the situation rests until such time as legislation is implemented. The problem is that the legislation has not been brought before this Chamber.

I will set out the history since 2001. In November 2001, the Department of Health published Quality and Fairness — A Health System for You which proposed a general review of legislation on entitlement. The strategy as published by the then Minister stated that new legislation would be enacted to provide for clear statutory provisions on such entitlement and promised to introduce a Bill in 2002. The Travers report also addressed the issue of eligibility and entitlement. It stated that the advice which the Department had available from the Attorney General on the issue differed from the position put forward by the ombudsman. The Travers report stated: “The legal uncertainties in this complex area do not appear yet to be fully resolved.” It went on to comment: “It is a remarkable feature of the health services in Ireland that such vast sums of money are expended on a system, the statutory basis for which is so confused and haphazard and where practise seems to dislocated from statutory theory.”

We then had the 2003-05 strategy, Fair Access, which stated that the legislation would be high level objective No. 2 but it was not implemented. The strategy for 2005-07 again stated the legislation would be introduced but it was not. The latest strategy 2008-10 again states it will be introduced. The Bill was listed on the B list of the Government’s legislative programme in summer 2006. In other words, it was a Bill in respect of which heads had been agreed and texts were being drafted. The expected publication date was given as late 2006. The Bill is now back on the C list and as such is going backwards.

The history of this issue is somewhat different than what the Minister presented here tonight. There is an absolute obligation on Government to produce that legislation.

Deputy James Reilly: Hear, hear.

Deputy Jan O’Sullivan: I have time to make only one final observation in regard to the fair deal legislation and the narrow range of rights contained therein. While good standards have been published, there is a perception that there is an agenda to close many of the public facilities rather than bring them up to standard.

Deputy James Reilly: Hear, hear.

Deputy Jan O’Sullivan: I deplore this because we should not move to a dependence on private facilities while closing public facilities. We need a good, proper public health service for the elderly as well as for the rest of the population.

Deputy Caoimhghín Ó Caoláin: Ba mhaith liom mo bhuíochas a ghabháil leis an Teachta Ó Súilleabháin.

If this State were not in the depths of the present economic crisis, I have no doubt that the issue dominating politics and the news media would be the major clash between the Office of the Ombudsman and the Government on the Ombudsman’s report, *Who Cares? — An Investigation into the Right to Nursing Home Care in Ireland*. I have seldom seen a report by any statutory body so strongly critical of a Department and I have seldom seen such hostility to a statutory body as that shown by the Government to the Ombudsman.

The matter in question — the care of our older citizens — is extremely important for each and every one of us and the issue at stake — the role and future of the Office of the Ombudsman — is very serious for democratic accountability and civil rights in this country. The Minister for Health and Children and her Department, as well as the HSE, should have co-operated fully with the Ombudsman in her investigation. Instead, both the Department and the HSE refused to co-operate and the Ombudsman states in her report that it is her view that the Department and the HSE are in breach of their statutory requirements under the Ombudsman Act 1980.

This is a very serious charge on the part of the Ombudsman and I have no doubt that she is correct.

To make the matter even more serious, the Government, on 10 September 2010, informed the Ombudsman that it supports the position of the Department. The Government says the Ombudsman is acting outside her powers and that her actions constitute interference in the State’s defence of several hundred legal actions. “An unprecedented intervention by Government” is how the Ombudsman has described the Government’s treatment of her investigation and report. The Ombudsman states:

The HSE and the Department, with the support of the Government, have opposed this Ombudsman investigation and have made very serious charges against the Ombudsman’s Office. In effect, the charge is that the Ombudsman has acted in bad faith in the conduct of this investigation. The Ombudsman rejects these charges totally.

It is unprecedented that any Government in this State should have deliberately caused such a serious confrontation with one of the principal watchdogs for the rights of citizens. The Government’s approach represents an attack on the Office of the Ombudsman and, by extension, on the rights of citizens.

Why is this being done by Government? Clearly, it is being done to undermine a report that exposes attacks on the rights of citizens by successive Governments. The conclusions of the Ombudsman could not be clearer or more damning. The Ombudsman concludes that the State, through the Department of Health and Children, the former health boards and the HSE has failed over many years to provide people with their legal entitlement to nursing home care. She says that this failure has inevitably caused confusion, suffering and hardship. She finds that the health boards and HSE failed to fulfil their obligations to older people under the Health Act 1970 and that this failure came about with the full knowledge and agreement of the Department.

[Deputy Caoimhghín Ó Caoláin.]

The key finding of the Ombudsman's report is that the obligations of the Health Act 1970 relating to nursing home care continue to have effect and have not been set aside by the Nursing Homes Support Scheme Act 2009. The latter Act legislated for the so-called fair deal scheme. That Act introduced a complex new system regarding support for nursing home care that is hugely problematic. I said on Second Stage of the Bill that I believed, as did organisations representing older people, that the Bill effectively removed the universal eligibility for a place in a public nursing home as provided for under the Health Act 1970. The Ombudsman's report clarifies the matter now. It exposes as false the Government's argument that universal eligibility never existed under the 1970 Act and it asserts that this eligibility still exists under the 1970 Act, notwithstanding the 2009 Act. I welcome that clarification.

The statutory eligibility to a bed in a public nursing home has never been vindicated in terms of the provision of the resources to make those beds available. This led to a huge reliance on the private nursing home sector and a complex and inequitable system of State subsidy for nursing home care. Undoubtedly, this had to change but I believe the Government, in doing so, went in the wrong direction. How wrong is now exposed in the Ombudsman's report. Of course, this is not the first such report. The previous Ombudsman published one in 2001.

We also had the report, *Care for Older People*, published by the National Economic and Social Forum in 2006. That report exposed how our system of care for our senior citizens is skewed towards residential options and how there is a funding bias towards nursing home subventions. It pointed to the lack of a general model of assessment and rehabilitation. The figures in the 2006 report — and I doubt they have changed much — show that the 5% of older people in long-stay care account for 55% of the overall budget for care of older people. Describing the barriers to the development of community services for older people, the report referred to “perverse investment incentives” and stated: “The present official funding of services is not consistent with the policy objective of encouraging community-based responses; considerable resources are invested in nursing home care responses, some of which are unnecessary and inappropriate.”

The worst nightmare for the vast majority of older people is to have to leave their homes and enter long-term residential care. The best option is for people to be cared for in their homes with the help of their family, friends, neighbours and the health and social services provided by the State. The Minister claims that the Government is providing for improved support for older people in their homes but the reality is that current provision is totally inadequate. Under the disastrous regime of this Government, the cuts of recent years to home helps and other supports will be far exceeded in the forthcoming budget. Comprehensive rights-based legislation setting out the entitlements of older people to all forms of care in the home, in other community-based settings and in nursing homes is needed.

The sad reality is that the inadequacy of support for older people to spend their twilight years in their own homes means that more of them end up having to avail of expensive nursing home care. It means that more of them become ill and lose their independence. This short-sighted failure of successive Governments to provide the essential resources for community care has cost the State hugely in providing for long-term residential care. When it comes to residential care the Government, blind as usual to fairness and to real efficiency, downgrades public provision and gives preference to the more expensive private sector. It took years for proper standards to be applied to nursing homes by a Government more concerned with fostering the private nursing home sector as a lucrative business than with ensuring the best care for our older citizens. For example, we had the recent closure order on the private Upton

House nursing home in Clara, County Offaly, which failed to meet HIQA standards. I had raised concerns about that facility in a parliamentary question only last year. At the same time, the HSE, because of the Government's privatisation policy, is attempting to close a public nursing home, Loughloe House, in Athlone, which it did not recommend to close. There is a clear pattern. It is not only a recommendation or the absence of one, but the privatisation agenda that is driving the Government and the HSE in carrying out their policies. The Sinn Féin Deputies fully support the motion before the House this evening and tomorrow and I urge all Deputies, on both sides of the House, to support it.

Debate adjourned.

Adjournment Debate

Schools Building Projects

Deputy Alan Shatter: I thank the Ceann Comhairle for allowing me to raise the issue. The need to build a new primary school in Knocklyon has been on the political agenda for at least 15 years. This is the largest primary school in the country; approximately 1,500 students attend it. For far too long a large portion of the classrooms have been prefabricated buildings, many of which have long passed their use-by date.

The school has gone through the various stages to facilitate construction and got to a point in October this year where the final documentation was furnished to the Department of Education and Skills. It is my understanding that it was indicated to the school board and the principals of the school that by 15 November, the final consideration would be given to the final document received relating to the project. Indications were given that the tendering process to construct the school would commence.

I ask the Minister of State to tell the House the current position. Was sanction given yesterday or will it be given this week to the tendering process? When will the construction of the school be advertised for tender? I am conscious that a substantial amount of money for the construction of schools during 2010 remains unspent and I am very anxious to be assured that not only will the tendering process be sanctioned and go ahead, but also that the funding is available to construct this school.

I am very conscious of the state of the public finances and the catastrophic difficulties confronting the State but in the context of tackling the major unemployment crisis we have, with in the region of 450,000 unemployed, there is great value to the State as well as to individual communities in the construction of school building projects going ahead. We can now build new schools at far less expense than was the case in the past. We have a huge body construction workers currently unemployed in receipt of social welfare who are looking for employment. The construction of this school would not only be of substantial benefit to the local community in Knocklyon and to the students attending the school, but would provide badly needed employment.

In order for the school to be constructed, it has to move to a temporary site. I understand that it was the hope that if tendering proceeded or was sanctioned this week, the school would move to its temporary site next Easter and would be able to open after the Easter break at the temporary site so the project could be advanced and construction could start. I hope the time-frame that was indicated after literally 15 years battling to get this school built will be complied with and I hope the Minister will tell us on the record of the House this evening that the project

[Deputy Alan Shatter.]

is going ahead and the tendering process can start. If I am not going to be told that, I want the Minister to explain why that is the case.

This is a crucial moment for the construction of this school. Far too many pupils in this school are using prefabricated classrooms that are inadequate. The school lacks the type of library and play facilities it should have and the staff lack the basic facilities which should be available to teachers in a school of this size. I hope we will get some good news tonight and, if not, I hope the Minister will tell us why.

Minister of State at the Department of Agriculture, Fisheries and Food (Deputy Seán Connick): I am replying to this Adjournment matter on behalf of my colleague, the Tánaiste and Minister for Education and Skills, Deputy Mary Coughlan. I thank the Deputy for raising this matter as it provides me with the opportunity to outline to the Dáil the Government's strategy for capital investment in school building projects and also to outline the current position for St. Colmcille's senior and junior national school, Knocklyon, Dublin 16.

Modernising facilities in our existing building stock as well as the need to respond to emerging needs in areas of rapid population growth is a significant challenge. The Government has shown a consistent determination to improve the condition of our school buildings and to ensure that the appropriate facilities are in place to enable the implementation of a broad and balanced curriculum. The allocation of funding for school buildings in 2010 is almost €579 million and this represents a significant investment in the schools building and modernisation programme. This level of funding, at a time of great pressure on public finances, is a sign of the Government's commitment to investing in school infrastructure and it will permit the continuation of the Department's programme of sustained investment in primary and post-primary schools.

All applications for capital funding are assessed in the planning and building unit of the Department. The assessment process determines the extent and type of need presenting based on the demographics of an area, proposed housing developments, condition of buildings, site capacity, etc., leading to an appropriate accommodation solution. As part of this process, a project is assigned a band rating under published prioritisation criteria for large scale building projects and these criteria were devised following consultation with the education partners.

Projects are selected for inclusion in the school building and modernisation programme on the basis of priority of need. This is reflected in the band rating assigned to a project. In other words, a proposed building project moves through the system commensurate with the band rating assigned to it. There are four band ratings overall, of which band one is the highest and band four the lowest. Band one projects, for example, include the provision of buildings where none currently exists but there is a high demand for pupil places, while a band four project makes provision of desirable but not necessarily urgent or essential facilities, such as a library or new sports hall. The project for St. Colmcille's senior and junior national school has been assigned a band rating of 2.1 under the published prioritisation criteria for large scale building projects. A band rating of 2.1 means that there is a deficit of mainstream accommodation in the school and the deficit constitutes a substantial and significant proportion of the school's overall accommodation needs.

All major projects on the Department's capital programme progress through the same structured process of architectural planning which is divided into clearly defined stages. There are five stages involved in the progression of major school building projects through architectural planning. These stages are set out in the Department's design team procedures and are neces-

sary to comply with Department of Finance guidelines which require that capital projects be fully designed prior to going to tender. They also ensure proper cost management of capital projects and facilitate compliance with statutory and public procurement requirements.

The project referred to by the Deputy provides for the removal of all existing prefabricated buildings and demolition of the existing St. Colmcille's junior and senior school buildings in a phased development programme and their replacement with a new three storey 58 classroom school. The total floor area will be 9,847 sq. m. with ancillary accommodation which will include general purpose rooms, libraries, meeting rooms, special educational rooms, three atriums, junior and senior administration offices, car parking and play areas.

To facilitate the construction of the new schools in a phased approach, planning permission has been secured to relocate St. Colmcille's senior school to a temporary prefabricated structure at the nearby Ballyboden Saint Enda's GAA grounds. For the duration of the building project, St. Colmcille's junior school will remain on the existing site. The project for St Colmcille's senior and junior school was authorised earlier this year to progress to tender and construction. Following a third party appeal to An Bord Pleanála, the final grant of planning permission was upheld. The fire certificate and disability access certificates have also been secured.

In October, the design team submitted the stage 2b report, which has been reviewed by the Department. Following this, a letter recently issued to the school authority requesting confirmation from all design team members that a final review would be undertaken and that a complete and co-ordinated package of tender documents would be prepared for issue to tenderers. The Department intends to publish an advert later this week in the EU journal and on the Government's etenders website seeking suitably qualified contractors. This is the first phase in a two-stage tender process and will result in a shortlist of ten main contractors who will then be invited to tender for the works.

I thank the Deputy again for giving me the opportunity to outline to the Dáil the current position regarding the school building project for St. Colmcille's senior and junior school.

Flood Relief

Deputy Deirdre Clune: I raise this issue given the severe flooding in the Cork area on 19 November 2009, the first anniversary of which is approaching this week. There are a number of issues surrounding the aftermath of this severe flooding and I want to concentrate on the plight of residents and business owners in the area who are not being given insurance or must pay severe excess charges.

As the Minister of State is probably aware, the flooding resulted from severe rainfall in the month of October which built up in November. The ESB has two dams on the upper Lee catchment area, the Carrigadrohid dam and the Inniscarra dam. There was a wind, rain and tidal alert on the night of 19 November but this was not a tidal flood but one which came from the upper catchment of the River Lee. The area flooded was not prone to the type of flooding that happens in Cork city, which is caused by a combination of high tides, easterly winds and high levels of rainfall. It was a different type of flood which has been described as a once-off, flash flood. Residents who have been living in the area for years, and whose ancestors lived there for centuries, know the area does not have a history of flooding.

This is the crux of the matter. These residents now find themselves in a situation where they cannot insure their homes or business premises. A report published in July 2010 by the Joint Committee on the Environment, Heritage and Local Government recommended that there would be an independent investigation into the flooding and that a co-ordinated attempt would

[Deputy Deirdre Clune.]

be made by the city council, county council and the ESB to address the issue. What can be done to put in place management structures for the dams in consultation with the ESB and the local authorities to make sure the insurance companies can get to a position where they will insure residential households and business premises?

It is important to repeat that this area is not normally prone to flooding. A severe flood occurred last November but nobody has stepped up to the plate and outlined what could have prevented it. We need an independent investigation to establish what exactly went wrong so we can put in place structures and lines of communication to ensure it does not happen again. Meanwhile, residents in areas that have never been flooded find themselves victims. They are powerless and are being stonewalled by the insurance companies. There is an opportunity for the Government and the Minister of State, Deputy Mansergh, who has visited the area, to step in and speak to the insurance companies to find what they are doing to alleviate the difficulties. If the Minister of State, Deputy Connick, visited the area today, he would see the locations where the quay walls were broken by the force of the river and have not yet been replaced.

We are facing into the winter and there have been flood alerts in recent weeks. The residents are extremely vulnerable and feel the State is not stepping in to protect them and ensure they can continue to live in the relative security they had before 19 November 2009.

Deputy Seán Connick: It must be stated at the outset that the decision to provide new cover or renew existing cover in any insurance situation is a commercial matter for insurance companies, as it allows insurance companies to properly assess the risk they are accepting. These are often considered on a case-by-case basis and, as such, the Government does not have any influence over this matter. That being said, the Government is fully aware of the difficulties currently being experienced by householders in certain areas in accessing flood insurance. The Minister for Finance is completing a memorandum for the Government which is expected to go to Government very shortly on the options available to address these difficulties. Care has to be taken that the State responds in an appropriate and cost-effective manner and in a way that allows it to provide flood relief measures which allow the insurance companies to continue providing cover in those areas.

While it must be acknowledged that there have been instances where insurance companies have refused to cover some property owners who made claims on their policies in the aftermath of last year's flooding, the Irish Insurance Federation, IIF, has informed the Department of Finance that the insurance industry is very reluctant to discontinue flood cover for existing policyholders, and would generally only do so in exceptional cases, such as where there have been repeated flooding claims. The IIF has also indicated that approximately 98% of householders who have household insurance currently have flood cover. It points out that insurers look at the claims history of the individual risk when deciding what underwriting action to take. They also look at any flood protection measures implemented by the local authority or OPW in the area. It states that where the flood risk is higher than normal, people will generally pay a higher premium or have a higher flood excess on their policy.

It is clear that the structured engagement between the IIF and the OPW is critical if progress is to be made on this issue so that underwriters are aware of what is being done in different parts of the country to address flooding problems. Such an arrangement would also help the OPW prioritise its remedial works which in turn would provide greater reassurance to the industry that the problem areas were being addressed in a structured way and this should lead to a greater willingness to offer cover in marginal areas.

Work has already begun on this and as part of this structured engagement the OPW has provided the IIF with a list of its capital projects and their current status. It has also provided it with another list of other flood mitigation works and studies on a county-by county basis. Furthermore, the OPW met industry underwriters at the end of October in order to give them a greater understanding of how they are addressing the flooding problems in different parts of the country. This type and level of engagement between the agency having the lead role in flood prevention measures and those providing insurance is part of the Government's response to this issue in flood prevention measures.

Another key part of the response I wish to draw to the attention of the House is the fact that the Government allocated €50 million for flood risk management activities for 2010, which is administered by the Office of Public Works. This increased allocation allows for delivery of a range of capital works schemes throughout the country. A concerted effort to roll out schemes, taking account of the seriousness of the underlying flooding problem in the different localities, is currently underway.

In February of this year, the Minister of State responsible for the OPW, Deputy Mansergh, launched the River Lee flood risk management plan, which is the result of three years work by the OPW and its partners, Cork city and county councils. This sets out a range of measures to manage effectively and efficiently the flood risk for the whole Lee catchment, which, when implemented, should significantly reduce the likelihood of the severe flooding witnessed in Cork city and elsewhere in the catchment of last year.

The OPW, in association with the city and county councils, is currently progressing the lower Lee flood risk management scheme, one of the key recommendations in the Lee catchment flood risk management plan. This scheme seeks to manage the flood risk from the River Lee and has been developed to protect against river and tidal flooding in and around Cork city. The scheme will involve works downstream of Inniscarra and through Cork city, permitting greater discharges to be made from the ESB reservoirs without causing flooding of properties and will provide protection against flooding from the river and during periods of high tide or storm surge. Based on extensive analysis, undertaken between 2006 and 2009, of river flows and tidal-surge levels, this scheme is considered the most cost effective means of managing these flood risks in Cork city.

While it is likely be some time into 2012 before construction works begin on the scheme, should interim measures be identified to reduce the existing level of risk in the course of the consultant's work, these will be considered by the OPW and its partners on the steering group. Furthermore, the OPW has sanctioned €0.9 million for Cork City Council to undertake the repair of quay walls breached last November and contract works for this are currently at tender stage by Cork City Council. I can confirm that the cost of undertaking the development work and the eventual construction works has been included in the OPW's budget profiles for flood relief activities for the coming years. The Minister of State is confident that the scheme to be developed will lead to a significant reduction in the risk of flooding as experienced last November.

Sports Funding

Deputy Thomas McEllistrim: I thank the Ceann Comhairle for allowing me to raise this important issue. The International Children's Games and Cultural Festival, ICG, is an annual sports event that has evolved since its inception in 1968 in Celje, Slovenia into the largest multi-sport youth event in the world. More than 30,000 children have taken part in the games since 1968 with, on average, between 1,500 and 2,000 athletes aged between 12 and 15 years partici-

[Deputy Thomas McEllistrim.]

pating at the annual event in selected host cities and towns throughout the world. Upwards of between 80 and 90 cities from all five continents participate annually. Athletics and swimming are the core sports involved and the host city is also required to offer participating cities between six and eight other sporting disciplines in accordance with international governing body rules. In addition to the athletes, approximately 2,500 overseas visitors attend the games as part of the extended visiting city delegations, team coaches and family members.

Tralee has been participating in the ICG since 2005 when it received an invite to attend the games hosted in Coventry. Subsequently, teams from Tralee have participated annually in venues as diverse as Bangkok, Reykjavik, San Francisco, Athens and Bahrain. The experience of attending the games has led to strong support locally to put forward the case to host the 2015 games in Kerry. As part of the initial campaign for Kerry to host the games, the executive committee of the ICG was invited to undertake a fact-finding visit to Tralee in April 2008. Letters of intent to host the games were issued by Kerry County Council and Tralee Town Council following the visit. A feasibility study was commissioned in 2010 to determine the financial implications of hosting the games in Kerry in addition to assessing the existing facilities. The study has shown that Kerry has the capacity to host the international event in 2015 and has indicated that a total cash cost of €2 million would be required to successfully bid for and host the event. The support of the Department of Tourism, Culture and Sport is seen as critical to the process and the local organising committee is seeking up to €1 million from the Department and Government, while undertaking to raise the other €1 million through the corporate sector and other means.

Kerry has a long established reputation of hosting major international sports events. Its reputation as an international tourism destination highlights its capacity to organise and host international events. Kerry has the largest accommodation stock outside of Dublin while possessing a rich cultural and heritage tourism product range that will facilitate the cultural element of the games.

Recent announcements concerning the new sports complex development at the Institute of Technology, Tralee will provide the county with a top-class sports hub to centralise the planning, organisation and hosting of international sports events. The proposed sports complex for the Institute of Technology, Tralee would provide a modern sporting hub to host the 2015 games. A decision to invest in the hosting of the 2015 International Children's Games in Kerry, with Tralee as the central hub, would provide a means of creating and generating considerable economic impact for the region and should be strongly supported. The Kerry ICG games of 2015 would have the capacity to generate an overall economic impact for Kerry of between €5.6 million and €7.8 million against an expenditure on games preparation and hosting of approximately €2 million, based on 100 teams taking part as outlined in the feasibility study. The event has the scope to attract more than 6,000 attendees, resulting in approximately 20,000 bed nights for the region during the course of the games, which is usually between five and six days. Potential returns to the Exchequer, based on participation rates ranging from 80 to 100 cities, would amount to €1.68 million rising to €2.326 million.

In conclusion, bringing the International Children's Games to Kerry would be a sound investment in the short term and the long term, generating considerable Exchequer returns, providing a platform for tourism development in the region and the country, and leaving a lasting legacy for sports participation and the hosting of international sports events in the country. It may not be the Olympics as we know it, but for the children of the world it is understood as a mini-Olympics. It would provide the opportunity for those in many other Irish cities and towns to

join their international brothers and sisters and participate in a truly worldwide sporting and cultural event in Ireland in 2015. The Government should support the overall project and the bid to host the 2015 games wholeheartedly as a project with the potential to bring considerable benefits to Tralee, the county of Kerry and Ireland. I call on the Minister of State to look favourably on the project.

Deputy Seán Connick: I am taking this matter on behalf of my colleague, the Minister for Tourism, Culture and Support, Deputy Mary Hanafin. I thank Deputy McEllistrim for raising the matter. The Minister is supportive of the efforts of the tourism state agencies and the national governing bodies of sport to attract international events here, subject to an assessment of the costs and benefits involved in any State financial support. Since taking up office, the Minister, Deputy Hanafin, has been involved in several meetings and discussions relating to such sports events.

In accordance with the provisions of section 8(1) of the National Tourism Development Authority Act 2003, consideration of possible support towards such events is a day-to-day matter for Fáilte Ireland. Fáilte Ireland administers the Government's international sports tourism initiative, which has been in operation for ten years. The key objectives in sponsoring events through this initiative are to secure significant worldwide media coverage and tourism marketing opportunities for Ireland and secure significant bed nights and economic benefits for the region in which the event is taking place.

Under the initiative, Fáilte Ireland has provided sponsorship to several significant events including the Irish Open Golf Championship and the World Rally Championship. The initiative was also a key factor in the hosting of the 2006 Ryder Cup in Ireland. Fáilte Ireland also supported the very successful stopover of the Volvo Ocean Race in Galway during 2009. This event exceeded all expectations in terms of visitor numbers and economic benefits, to the extent that Galway has been selected as the finishing venue for the Volvo Ocean Race 2011-2012. We greatly look forward to welcoming the Solheim Cup at Killeen Castle next year. It will be a great honour for Ireland to host one of the most prestigious golf tournaments in the world.

With regard to a bid to host the International Children's Games in 2015, the Minister, Deputy Hanafin, met with Deputy McEllistrim in July along with representatives of Tralee International Children's Games Limited, the body seeking to place the bid to host the games in Tralee in 2015.

The Minister, Deputy Hanafin, suggested that the organisers should meet with the Department and Fáilte Ireland to discuss the matter further. A subsequent meeting was arranged by the Department, which took place on Monday, 8 November. The meeting was attended by a representative of Tralee International Children's Games Limited, the operations manager for Fáilte Ireland south west and an official from the Department. At the meeting, Fáilte Ireland provided details of the basis on which it assesses the tourism potential of proposed sporting events. Fáilte Ireland is currently examining what supports may be available towards assisting with the bid process and will advise Tralee International Children's Games Limited in this regard. A further meeting will take place later this week directly between Fáilte Ireland and Tralee International Children's Games Limited to progress the matter.

Grant Payments

Deputy Seymour Crawford: I thank the Ceann Comhairle for the opportunity to raise this important issue. I have been trying to discuss this matter with the Minister for Agriculture,

[Deputy Seymour Crawford.]

Fisheries and Food, Deputy Brendan Smith, for two years. As a result of the failure of those discussions I have been obliged to bring the matter to the House tonight.

I thank the Minister for the fact that some money has been made available to the person who represents the third example I will provide. The man in question is still being withheld 10% of what he is entitled to simply because of the failure of personnel within the system to pass on correspondence from the farmer which was submitted as requested. The farmer in question built his own shed. He built identical buildings with the same finish for two other farmers, both of whom have been paid in full. However, he has been waiting since April 2009 for news of progress. Last Friday he received a portion off the grant. This happened simply because of the attitudes of different inspectors and the failure to use common sense.

The first case on my list involves a structure built totally on the advice and guidance of the then Department of Agriculture, Fisheries and Food official, that is, the grant inspector. This man used the same cladding as his neighbours, whose shed was passed and paid for two years ago. This farmer has received no payment although the then Department official visited and measured the building on three occasions and assured him that everything was correct and was put through for payment. However, when the inspector retired, the farmer found the application had not actually been put through.

A different inspector took a different attitude, and this man now finds himself under severe financial pressure, paying high interest on money borrowed. This case has been with the Minister since April 2009, and I ask for it to be fully resolved urgently.

In case 4, the person concerned has a similar problem to that I outlined in case 1. His cladding is the same as that of his neighbours, who have been paid, yet he has not. It was accepted by the grant personnel in Monaghan that properly perforated cladding would ensure clear air in the building but prevent the chicken litter from becoming wet, which is the whole purpose of such housing. In cases 5 and 6, structures were built with advice from the same Department official who gave the instruction in case 1. Case 5 has been partially rectified through the appeals system, but there is still significant money outstanding. In case 6, although the building was built to much stronger specifications than were required, as demanded by the Department official, the cost of this was never taken into account when the grant, amounting to around 40% of the total rather than the 70% the farmer was originally promised, was paid. In case 2, a structure was built with the clear involvement and advice of a Department official but unfortunately, once again, a different official dealt with the case on completion, and there was a shortfall in the grant of at least €10,000.

These are just some examples in which farmers — exceptionally good farmers, not fly-by-night types — who worked closely with officials, having found no reason in the past not to trust them, now find themselves under severe financial pressures through no fault of their own. It is important that the Minister of State understand that those who used high-quality perforated cladding rather than open mesh in order to provide sufficient air flow in their chicken houses while ensuring that the chicken litter was not damaged or destroyed by rain were not asking for the cost of the cladding in their requests for grant aid. They simply included it because of their knowledge of the typical weather conditions that would force rain through mesh structures. It is plain to any person who stands in one of these structures that they meet all the necessary criteria and are in the best interests of everyone concerned. As I said, I welcome the news that there has been at least one partial breakthrough. I hope the Minister of State's reply will give me some hope for the remainder.

As someone who spent seven years involved in the sale of structural steel and farm buildings, overseeing and inspecting the finished structures — none of which has fallen in almost 40 years

— I have some understanding of what is necessary and what is justified. I would certainly recommend any of the buildings I have mentioned for inspection by any person and I assure the Minister of State that they will meet the necessary specifications. These farmers are under extraordinary pressure. The situation, which resulted from no fault of theirs, has continued for two years now and is extremely unfair.

Deputy Seán Connick: I thank Deputy Crawford for raising these matters with me. I am pleased to have this opportunity to clarify the position on the farm waste management and farm improvement schemes, which are at issue in the cases referred to by the Deputy.

A revised farm waste management scheme was introduced by the Department in March 2006 to assist farmers in meeting the additional requirements of the nitrates directive. The amendments to the scheme included an increase in the standard grant rate from 40% to 60%, with 70% being available in the four zone C counties of Cavan, Donegal, Leitrim and Monaghan. In addition, the new scheme provided for an increase in the maximum eligible investment ceiling from €75,000 to €120,000 and removed any minimum income requirements from farming from the scheme so that all small farmers could participate. As the Deputy has mentioned, all work had to be completed by farmers by 31 December 2008 and the application of this date was a strict requirement of the EU Commission state aid approval for the scheme.

The immense success of the scheme is demonstrated by the fact that almost 43,000 approvals to commence work issued to farmers while the scheme was in place. However, due to the budgetary constraints placed on the Department at the beginning of 2009, it was decided to make the remaining payments under the scheme on a phased basis, with 40% being paid in that year as claims were approved, a further instalment of 40% in 2010, and the remaining instalment of 20% in 2011. The Minister for Agriculture, Fisheries and Food, Deputy Brendan Smith, also announced at that time that a special *ex gratia* payment would be made to farmers whose grants were deferred in this manner. It is also intended to make this payment in early 2011. The financial commitment of this Government to the scheme is substantial, particularly during these challenging economic times. It is estimated that when all payments have been made under the scheme in early 2011, the total expenditure under the scheme since its introduction in 2001 will be of the order of €1.2 billion.

The farm improvement scheme was introduced on 12 July 2007 following receipt of EU approval for the Rural Development Programme 2007-2013, and closed for applications on 31 October 2007. The scheme replaced the previous farm waste management, dairy hygiene and alternative enterprises schemes, which had closed for new applications at the end of 2006. Under the 2007-2013 programme, a sum of €85 million was allocated for modernisation of agricultural holdings, including the farm improvement scheme. Of this amount, €6 million was subsequently earmarked for the introduction of the 2007 pig welfare — sow housing — scheme, thereby leaving an allocation of €79 million for the farm improvement scheme. It was clearly stated at the time of the launch of the scheme and in its terms and conditions that the scheme would be suspended when the financial allocation for the scheme had been reached.

A total 12,675 applications were received from farmers under the farm improvement scheme by the closing date of 31 October 2007. However, the funding of €79 million permitted approvals to issue to farmers only for the 7,347 applications received up to 21 October 2007, and these approvals have now issued to the farmers concerned. Under both schemes, however, it is clear that all work must be completed in full in accordance with the Department's technical specifications. This is clearly set out in the terms and conditions of both schemes. The existence of these Department specifications is widely known in the sector, and they reflect the highest construction, health and safety and animal welfare standards.

[Deputy Seán Connick.]

With regard to the specific cases raised by the Deputy, the circumstances of each case are different, and the time available does not permit me to enter into the individual details of each case. I propose therefore to write to the Deputy to advise him of the up-to-date position in each case.

The Dáil adjourned at 9.10 p.m. until 10.30 a.m. on Wednesday, 17 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 6, inclusive, answered orally.

Questions Nos. 7 to 42, inclusive, resubmitted.

Questions Nos. 43 to 50, inclusive, answered orally.

Penalty Points System

51. **Deputy Denis Naughten** asked the Minister for Transport his plans to address the abuse of the penalty points system by persons not holding an Irish or UK driving licence; and if he will make a statement on the matter. [42619/10]

Minister for Transport (Deputy Noel Dempsey): Part 5 of the Road Traffic Act, 2010 provides for the amendment of existing provisions relating to the endorsement of penalty points and disqualifications relating to non-national driving licence holders. The 2010 Act also gives the Gardaí powers to seize a licence where the driver has been disqualified, including following the accumulation of 12 penalty points.

Those provisions will be commenced in consultation with the relevant stakeholders as soon as the necessary administrative supports are in place.

Road Traffic Offences

52. **Deputy Fergus O'Dowd** asked the Minister for Transport when he will publish the Road Traffic (Amendment) Bill 2010 to legislate for mandatory alcohol testing; and if he will make a statement on the matter. [42669/10]

Minister for Transport (Deputy Noel Dempsey): The Road Traffic Act 2010 provides for the introduction of mandatory breath testing of drivers by An Garda Síochána in certain circumstances, including where a Garda attends at the scene of a collision where injury has been caused. Because of the inter-relationship between the section of the Act that introduces mandatory breath testing and other drink driving related sections of the Act, it is now clear it will not be possible to commence this section until the new apparatus to measure the reduced levels of blood alcohol concentration has been procured.

[Deputy Noel Dempsey.]

However to overcome this difficulty it is my intention to introduce mandatory breath testing at an earlier date and officials in my Department and are currently in discussions on a number of legal drafting issues with the Office of the Attorney General, to seek to finalise a Bill in this regard.

Regional Airports

53. **Deputy Joe Carey** asked the Minister for Transport the position regarding the final agreed support subsidies to regional airports for opex and capex budgets in order to finalise the budgetary support for regional airports for 2010. [42641/10]

Minister for Transport (Deputy Noel Dempsey): With regard to the Core Airport Management Operational Subvention (Opex) scheme, because of a projected shortfall in the resources available to fund this scheme in 2010, after allowing for estimated requirements for the PSO Air Services Programme for 2010, the six Regional Airports were allocated Opex funding on a pro rata basis in July of this year with no airport getting the full amount it might otherwise expect. This allocation was in line with the Opex contracts with the Airports. However, I am very much aware that payments at the reduced level have been causing difficulties for the Airports. My Department has been monitoring the position with management at each of the airports.

All the Airports have submitted additional information in support of their applications for funding. This updated information is being re-assessed by the Department in accordance with the terms of the scheme and I will make further allocations accordingly.

The provision in my Department's Vote to fund the capital expenditure (Capex) grant scheme for all the Regional Airports in 2010 is €3 million.

Grant aid for urgently required work at Knock and Donegal airports was approved for this year together with the completion of projects which had been contractually committed prior to July 2008. Just over €324,000 has been drawn down so far this year by the airports. It is not possible to say at this stage what the final draw down will be.

The Value for Money Review of Exchequer Expenditure on the Regional Airports Programme, including the Capex and Opex Schemes, has been completed and is at present being considered by Government. It is expected that, in the light of that Review, decisions on funding for regional airports in future years will be made in the context of the Estimates and Budget process.

Road Network

54. **Deputy Jim O'Keeffe** asked the Minister for Transport the reason for the policy not to provide service areas on national roads and in particular on the motorway between Cork and Dublin; when this policy was changed and when it can be expected that appropriate service areas will be available on the Cork-Dublin route; and if he will make a statement on the matter. [42482/10]

Minister for Transport (Deputy Noel Dempsey): As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. The implementation of individual national road projects, including service areas, is a matter for the National Roads Authority in conjunction with the local authorities concerned.

Section 54 of the Roads Act 1993 specifically provides for the NRA or a local authority to provide and/or operate service areas.

In 2005, the then Minister for Transport asked the NRA to review its policy of generally not providing service areas on national roads, particularly on the expanding network of access-controlled motorways and dual carriageways.

Arising from this review, the NRA developed a programme for the provision of up to 12 service areas on the major interurban routes (MIUs) as well as the N6/N18 junction and the N11 route at intervals of approx 50-60 kms.

Two documents relating to the NRA's policy on the provision of service areas are available on their website at www.nra.ie.

The NRA has completed the delivery of the first tranche of three service areas, under a PPP programme (two on the M1 and one on the M4). A further service area at Gorey on the M11 is scheduled to be constructed as part of the N11 Rathnew/Arklow and N7 Newlands Cross Junction Improvement Schemes.

The NRA proposals for other service areas are progressing through the planning process. However, the construction of these service areas is heavily dependent on the availability of funds and the prioritisation of projects within a reduced capital budget. In the light of this, I have advised the NRA that they should consider other options to finance the provision of service areas which do not require Exchequer funding.

Public Transport

55. **Deputy Mary Upton** asked the Minister for Transport the way he proposes to complete Transport 21; and if he will make a statement on the matter. [42745/10]

71. **Deputy Bernard J. Durkan** asked the Minister for Transport the extent to which he has discussed the various elements contained in Transport 21; the progress to date towards the various objectives therein set out and referred to by him in his original announcement of the project; if he has received any views regarding any specific provisions desirable omissions or additions to the project; the extent to which he expects Transport 21 to proceed as planned notwithstanding economic factors; and if he will make a statement on the matter. [42711/10]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 55 and 71 together.

As the Deputy is aware substantial progress has been made on Transport 21 since 2006:

- Four of the five major inter-urban motorways and the M50 upgrade have been completed and the final section of the M7 Dublin to Limerick will be open by the end of this year.
- The Cork-Midleton line and the first phase of the Western Rail Corridor and the Navan line have been completed.
- The Kildare railway line has been upgraded and a number of new Dublin suburban stations have opened.
- The Luas Docklands extension opened last December, the extension of the Green line to Cherrywood opened in October this year and the extension of the Red Line to City West is well advanced.
- The Irish Rail fleet has been renewed and over 500 buses have been purchased.

[Deputy Noel Dempsey.]

Due to the changed economic circumstances, it is now unlikely that all of the remaining projects originally identified in Transport 21 will be completed by 2015.

The position is that no projects have been cancelled and Transport 21 continues to provide the strategic framework for capital spending on transport infrastructure into the future. Planning and design will continue on all projects in Transport 21 so as to be in a position to move to construction at the earliest possible date once financial circumstances permit.

The Department of Finance's Review of infrastructure investment priorities for the years 2010-2016, which was published in July 2010, was based on input from all Government departments.

In the Review €12.2 billion has been specifically provided for the Department of Transport's capital programme up to 2016. While this is a reduction from the original allocation of €15.9 billion for the years 2010-2015. However, improved value for money now available in procurement of infrastructure will go some way to bridge the shortfall.

The final capital funding allocation for my Department in 2011 and allocation for 2012-2014 will be settled in the context of decision on the Budget for 2011 and the 4 year plan currently being considered by Government.

Commission for Taxi Regulation

56. **Deputy Thomas P. Broughan** asked the Minister for Transport the date on which the office of the Taxi Regulator will be transferred to the National Transport Authority; the number of staff and the location in which they will be accommodated in the future; the future roll of the regulator under the auspices of the NTA; and if he will make a statement on the matter. [42730/10]

Minister for Transport (Deputy Noel Dempsey): The Public Transport Regulation Act 2009 provides for the dissolution of the Commission for Taxi Regulation and the transfer of staff and functions of the Commission to the National Transport Authority. I propose to make an order under section 31 of the Act towards the end of this year to give effect to such transfer. The Commission's permanent staffing complement of twenty-three will transfer to the National Transport Authority but will remain at their Headquarters in 35 Fitzwilliam Square, Dublin 2.

With effect from the dissolution date, the National Transport Authority shall carry out the principal functions of the Commission as set out in Section 9 of the Taxi Regulation Act 2003, namely the development and maintenance of a regulatory framework for the control and operation of small public service vehicles and their drivers.

Question No. 57 answered with Question No. 48.

Road Fatalities

58. **Deputy Mary Upton** asked the Minister for Transport if his attention has been drawn to the increasing number of deaths on Irish roads in recent months; his plans to introduce legislation to facilitate the closer supervision of learner and novice drivers; and if he will make a statement on the matter. [42728/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am aware that October 2010, with 35 road fatalities, has been the worst month for road fatalities since December 2007. It is worth bearing in mind, however, that even with the dreadful events of October, the total

number of road fatalities for the year so far — 197 as of 11 November 2010 — is still below the number for the same period in 2009.

The core objective of the current Road Safety Strategy 2007–2012 is to reduce road deaths to no greater than 60 fatalities per million of population by the end of 2012, or an average of 252 deaths per year. 2009 saw the lowest number of road deaths on record in Ireland, 240. This means that we reached our core objective well before its target date. Indeed, road deaths dropped by 41.6% between the period 1999 and 2009.

However, 240 deaths on our roads is still far too many, and we can never be complacent. We must now, collectively, do all in our power to ensure that the core objective figure is not exceeded, and hopefully improved upon, this year and in future years.

While many road users in Ireland have embraced road safety and taken personal responsibility for their behaviour on our roads, I would like to take this opportunity to ask everyone, whether on a personal or professional basis, to work together and redouble all efforts with a view to making 2010 our safest year yet and to making 2011 even safer again.

One of a number of areas in which we can make improvements to road safety is through strengthening the process of learning to drive in Ireland. In September last, the Road Safety Authority launched proposals for the introduction of a graduated driver licensing scheme, and I am committed to seeing them implemented. These proposals include stricter rules on learner and recently qualified drivers, and will enhance the learning process, to the benefit of all road users.

The Road Safety Authority is currently engaged in work on preparing the roll-out of the various graduated driver licensing proposals.

Many of the proposals in the scheme will require primary legislation, and it is my intention to publish a Road Traffic Bill to provide the necessary powers in 2011.

Maritime Transport Needs

59. **Deputy Ruairí Quinn** asked the Minister for Transport his plans to meet the transport needs of ocean energy providers along the Atlantic coast; and if he will make a statement on the matter. [42740/10]

Minister for Transport (Deputy Noel Dempsey): The primary transport needs of the ocean energy sector are maritime transport needs, in particular the availability of specialist ships and port facilities. My Department is currently carrying out a ports policy review. The consultation document published in September last contains a section dealing with ports and energy policy. The document acknowledges the very significant proposals that are under development in relation to ocean energy, in particular offshore wind. New deepwater port sites may be required to service this industry. One of the questions raised in the consultation is whether further action might be required to meet these needs.

The Irish Maritime Development Office and the Sustainable Energy Authority of Ireland are also currently conducting a joint study to examine the potential of Irish ports and shipping companies to meet the demand for future offshore energy projects. This work will be completed shortly and an industry briefing is planned for January 2011.

Road Safety

60. **Deputy Kieran O'Donnell** asked the Minister for Transport the target date for the introduction of compulsory basic training for motor cyclists as mandated under the Road Safety Strategy 2007 to 2012; and if he will make a statement on the matter. [42708/10]

Minister for Transport (Deputy Noel Dempsey): Regulations are in preparation to provide for compulsory basic training for motorcyclists, as envisaged in the Road Safety Strategy 2007-2012. I expect that these Regulations will be in effect before the end of the year.

Road Network

61. **Deputy Seymour Crawford** asked the Minister for Transport if the road from Aughnacloy on the Border to Clontibret, County Monaghan has been discussed at any of the North-South Government meetings; and if he will make a statement on the matter. [42441/10]

Minister for Transport (Deputy Noel Dempsey): As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. The construction, improvement and maintenance of individual national roads, including the N2 Clontibret to the Border scheme, is a matter for the National Roads Authority under the Roads Acts 1993 to 2007, in conjunction with the local authorities concerned. In addition, the allocation of funding in relation to the construction or maintenance of national roads is a matter for the National Roads Authority under Section 19 of the Roads Act.

There has been no discussion to date regarding the N2 Clontibret to the Border scheme at the Transport Sectoral meeting of the North South Ministerial Council.

Departmental Expenditure

62. **Deputy Joan Burton** asked the Minister for Transport the amount of money spent by his Department or by any of the transport bodies operating under his Department on branding or rebranding logos in each of the past ten years; and if he will make a statement on the matter. [42714/10]

Minister for Transport (Deputy Noel Dempsey): Since the establishment of the Department of Transport in January 2002, we have spent €7,304.77 in 2003, €70,463.35 in 2007, €22,408.13 in 2008 and €2,250 in 2010 on branding or rebranding logos. The vast bulk of the expenditure related to the Transport 21 logo, the then new Department of Transport Logo and the Smarter Travel logo.

With regard to Agencies under the aegis of my Department, this is a matter for the Agencies themselves.

Road Safety

63. **Deputy Billy Timmins** asked the Minister for Transport if the Road Safety Authority proposes to extend its winter campaign (details supplied) to avail of a free high visibility jacket especially for cyclists; and if he will make a statement on the matter. [42704/10]

Minister for Transport (Deputy Noel Dempsey): The Road Safety Authority, Age Action Ireland and the Irish Pharmacy Union, in a joint initiative in May 2009 announced the distribution of 200,000 free high visibility vests to promote road safety among older people in Ireland. The Road Safety Authority publicised the campaign again in August of 2009 to ensure older people were aware of the initiative. The high visibility jackets were made available through local pharmacies.

The campaign was designed to heighten the awareness of vulnerable road users, in particular older pedestrians who are over represented in the number of those killed and seriously injured on Irish roads. Over the period 1998 — 2009, almost a third (30%) of pedestrians killed were aged 65 or over.

In 2010 the RSA has again distributed high visibility jackets and armbands to vulnerable road users, including cyclists.

A total of 340,000 high visibility arm bands were distributed recently through a Sunday newspaper to mark World Remembrance Day for Road Victims on the 29th November, 50,000 high visibility vests at the National Ploughing Championship, 130,000 high visibility jackets through the 'Back to School' campaign, 25,000 high visibility vests through the 'Bike Buyers Guide' and a further 20,000 to community and sporting groups around the country.

The Road Safety Authority will be running additional campaigns targeting vulnerable road users including cyclists in December.

The Authority is planning to continue its high visibility campaign into 2011 and will finalise specifics once the Authority has determined its budget for 2011.

Taxi Regulations

64. **Deputy Joe Costello** asked the Minister for Transport the way he expects to reach the Government's target of 10% of wheelchair accessible taxis by the end of 2010; and if he will make a statement on the matter. [42732/10]

Minister for Transport (Deputy Noel Dempsey): I understand that the Commission for Taxi Regulation's new reform programme seeks to achieve a 10% target of wheelchair accessible taxis and hackneys. Since June 2010 new Small Public Service Vehicle licences are issued only in respect of wheelchair accessible vehicles and a new category of wheelchair accessible hackney was introduced. As part of its statutory remit the National Transport Authority is responsible for improved access to the transport system and in particular for public passenger transport access for persons with disabilities. In addition, the functions of the Commission for Taxi Regulation will be absorbed into the National Transport Authority by the end of the year.

The Commission for Taxi Regulation favours the provision of some financial assistance to wheelchair accessible licence holders to upgrade their vehicles by 2012. I have referred the Commission for Taxi Regulators's proposals to the National Transport Authority in March 2010 for its consideration and decision.

It will be a matter for the National Transport Authority to decide on the future approach to incentives for wheelchair accessible taxis in the light of available funding and other priorities as regards supporting enhanced accessibility on bus, rail and taxi services.

Rail Accidents

65. **Deputy Eamon Gilmore** asked the Minister for Transport if he is satisfied with the progress made by Iarnród Éireann in implementing the recommendations made by the railway investigation unit in its report into the Malahide viaduct accident in August 2009; and if he will make a statement on the matter. [42716/10]

73. **Deputy Jack Wall** asked the Minister for Transport if his attention has been drawn to Iarnród Éireann's admission at a transport committee meeting that it had no structures in place to maintain and preserve its corporate memory; the steps he will take to ensure that the corporate memory of all transport bodies is secured; and if he will make a statement on the matter. [42729/10]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 65 and 73 together.

[Deputy Noel Dempsey.]

The Railway Safety Commission is the independent statutory body charged with responsibility for ensuring implementation of recommendations made to Iarnród Éireann by the Rail Accident Investigation Unit, which is the independent body responsible for accident investigations.

I wrote to the Chairman of Córas Iompair Éireann on 17 August last emphasising the importance of implementing in full the recommendations made to Iarnród Éireann by the Rail Accident Investigation Unit and the Railway Safety Commission in its compliance audit.

The Chairman responded by letter of 20 October indicating that Iarnród Éireann accepted all of the recommendations in the Railway Accident Investigation Unit report and that a wide and substantive range of actions are being progressed on all of the recommendations. The Chairman confirmed that Iarnród Éireann has completed 8 of the 14 recommendations and have submitted documentation to the Railway Safety Commission for verification that they have been achieved and can be closed. He also indicated that the remaining 6 recommendations are being completed at the rate of envisaged in the programme agreed with the Railway Safety Commission and are in advanced stages of completion.

Since the issue of the Rail Accident Investigation Unit report on 16 August 2010, I understand from the Railway Safety Commission that it continues to hold on-going discussions with Iarnród Éireann in regard to progress with all recommendations arising from investigations into the collapse of the viaduct at Malahide. The Railway Safety Commission has confirmed that documentation has been received from Iarnród Éireann in regard to the 8 recommendations that it considers have been completed and this documentation is currently being assessed by the Railway Safety Commission with a view to confirming that the recommendations have been adequately closed off. The Railway Safety Commission continues to monitor progress with the remaining 6 recommendations to ensure that they remain on schedule with the agreed implementation plan.

As to the question of loss of corporate memory, I understand that Iarnród Éireann is committed to implementing the organizational and system changes recommended in the Railway Accident Investigation Unit, Railway Safety Commission and Iarnród Éireann investigations of the Malahide viaduct accident. Iarnród Éireann extensively re-organised the Civil Engineering Department and implemented a structured Safety Management System for that Department.

I have also been informed by the Railway Safety Commission that it has recently engaged specialist consultants to examine the organisational and cultural factors present in Iarnród Éireann that contributed to a loss of corporate memory and to determine if such factors still persist and affect the engineering functions. A final report is scheduled to be presented to the Railway Safety Commission at the end of March 2011.

The Railway Safety Commission have also clarified that in accordance with good Safety Management System procedures, all recommendations and agreed actions, whether closed or in progress, will remain on the Iarnród Éireann Risk Register as a means of underpinning corporate memory.

Light Rail Project

66. **Deputy Pat Rabbitte** asked the Minister for Transport the amount of funds paid by his Department to date on the Metro North project; the amount budgeted for 2011; the expenditure to date and for next year under the following headings: planning, purchases of land and properties, and enabling works; if he will make the cost benefit analysis available to the spokespersons on transport for inspection; and if he will make a statement on the matter. [42724/10]

Minister for Transport (Deputy Noel Dempsey): Responsibility for the implementation of Metro North transferred to the National Transport Authority on the 1st December 2009. Prior to the establishment of the NTA €127.2 million was made available by my Department to the RPA for expenditure on Metro North. This expenditure is broken down as follows:

	€ million
RPA Project Management & Development	64.9
Land & Property Acquisition	24.0
Advance Enabling Works	38.3
Total	127.2

In relation to making the cost benefit analysis for Metro North available, I understand that the NTA has made a redacted version of the most up-to-date business case for Metro North available on their website at www.nationaltransport.ie

All other matters referred to by the Deputy in his question, now come under the remit of the NTA since the 1st December last.

Rail Network

67. **Deputy Róisín Shortall** asked the Minister for Transport if he is satisfied that the establishment of a regime for the inspection of the 105 railway bridge structures over water in accordance with recommendation seven of the report by the railway investigation unit into the collapse of the Malahide viaduct is sufficient; if his attention has been drawn to the fact that there is a total of 1,204 overbridges, 1,926 underbridges, including 780 viaducts, many of them constructed in the nineteenth century; and if he will make a statement on the matter. [42726/10]

Minister for Transport (Deputy Noel Dempsey): It is the responsibility of the Railway Safety Commission to take the necessary measures to ensure that Railway Accident Investigation Unit recommendations are implemented. The recommendation referred to by the Deputy is an operational matter for Córas Iompair Éireann to address under the overall supervision of the Railway Safety Commission and I have no specific function in relation to the inspection arrangements concerned.

Learner Drivers

68. **Deputy Leo Varadkar** asked the Minister for Transport the position regarding the Road Safety Authority plans to introduce mandatory driving lessons for new drivers; and if he will make a statement on the matter. [42707/10]

Minister for Transport (Deputy Noel Dempsey): In September 2010 the Road Safety Authority (RSA) launched proposals for the introduction of a graduated driver licensing (GDL) scheme. I endorsed these proposals before their launch and am committed to seeing them implemented. The GDL is made up of a total of nine proposals, one of which is compulsory basic training for learner drivers. A number of the proposals, including the requirement for learners to take lessons, will require primary legislation. It is my intention to publish a Road Traffic Bill to provide the necessary powers in 2011.

Road Network

69. **Deputy Lucinda Creighton** asked the Minister for Transport the preparations he has

[Deputy Lucinda Creighton.]

made in the extent of extreme cold weather this winter; the reason that almost half of the money allocated to repairing local and regional roads after last year's bad weather was not spent; and if he will make a statement on the matter. [42746/10]

Minister for Transport (Deputy Noel Dempsey): The improvement and maintenance of regional and local roads is the statutory responsibility of each local authority, in accordance with the provisions of Section 13 of the Roads Act, 1993. Works on those roads are funded from local authorities own resources and are supplemented by State road grants. In January 2010, my Department carried out a review of the transport response to the severe weather during the period November 2009 and January 2010 and established a Review Group to carry out that task. In this review, my Department has recommended that local authorities and the National Roads Authority should work together to put in place framework contracts with a number of salt suppliers and that local authorities should draw down their supplies under these framework contracts and they should continue to be responsible for the implementation of the response on the ground.

The Review also recommended that local authorities should draw up lists of priority routes for treatment during severe weather.

Local authorities were asked to publish their Winter Maintenance Plans on their websites in advance of December 2010. This would allow the public to be aware of what routes will be treated in the case of severe weather and the type of intervention envisaged.

In February this year I announced an allocation of €411.409 million to local authorities under the 2010 Regional and Local Roads Investment Programme. From this allocation, a total of €111.409 was allocated to local authorities for maintenance works on regional and local roads, including repairs to roads damaged by the severe weather in late 2009 and early 2010. As of 19th October 2010, (the last date for which figures are available), €87 million or 78% of this maintenance allocation has been drawn down. It should be noted that by now further work will have been completed by local authorities but not yet claimed for. It is expected that the remainder of funding will be fully drawn down by the end of the year.

Transport Projects

70. **Deputy Thomas P. Broughan** asked the Minister for Transport the number of transport projects that are due to be completed by the end of 2011; the number of transport projects that are due to start by the end of 2011; and if he will make a statement on the matter. [42713/10]

Minister for Transport (Deputy Noel Dempsey): Since 1st December 2009, public transport projects in the Greater Dublin Area (GDA) come under the remit of the National Transport Authority (NTA). I understand that Iarnród Éireann have a number of programmes underway which are expected to be completed by the end of 2011 including the Car Parking Expansion and the Platform Renewal Programmes. The Elimination of Speed Restrictions project at Limerick junction is expected to be completed by mid 2011.

My Department is funding an ongoing programme of bus priority (Green Routes) and park & ride measures in the regional cities of Cork, Galway, Limerick and Waterford. It is a matter for the local authorities in each city to prioritise projects.

Terminal 2, Dublin Airport is completed and will open on 19 November 2010.

Question No. 71 answered with Question No. 55.

Departmental Expenditure

72. **Deputy Róisín Shortall** asked the Minister for Transport if there are any moneys in his Department budgeted for 2010 which have not been spent; if so, if he will detail the areas of expenditure; and if he will make a statement on the matter. [42743/10]

Minister for Transport (Deputy Noel Dempsey): Having regard to normal expenditure patterns which typically entail a disproportionately high level of spending by the Department and more particularly its agencies in the final months of the year I expect that the overall net expenditure outcome will be very close to the allocation.

Question No. 73 answered with Question No. 65.

Air Services

74. **Deputy Willie Penrose** asked the Minister for Transport if an airline (details supplied) is still honouring the public service obligation contract at Kerry Airport; when the new PSO contracts are due to be negotiated; and if he will make a statement on the matter. [42739/10]

81. **Deputy Martin Ferris** asked the Minister for Transport his plans to ensure the maintenance of the Kerry to Dublin air link; and if he will make a statement on the matter. [36649/10]

85. **Deputy Joe Costello** asked the Minister for Transport if an airline (details supplied) has withdrawn its threat to abandon the public service obligation for Kerry Airport; if that threat is not in itself a breach of the airline's contractual duties; the action he has taken in response to the threat; and if he will make a statement on the matter. [42715/10]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 74, 81 and 85 together.

As you are aware, the Kerry to Dublin air service is operated under 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. These contracts run from July 2008 to July 2011.

Ryanair were awarded the contract to provide the scheduled air services between Dublin and Kerry over the three year contract period and have been receiving payments in accordance with the contract.

Despite several requests to Ryanair over recent months asking them to abide by the terms of the contract, I have been advised that with effect from Saturday 13 November, 2010 they have carried out their threat to reduce services on the route from three daily to one daily. Ryanair have already indicated that this daily service will be operated outside of the PSO arrangements.

I have since written to Ryanair formally notifying them that in accordance with the terms of the contract, due to the material breach of performance of the terms and standards specified in the contract, the contract has been terminated by me with effect from 13 November, 2010.

In accordance with Paragraph 8 of the original invitation to tender of 30 January, 2009, my Department has yesterday been in contact with the next highest ranking tenderer for the Kerry/Dublin PSO service and has asked them to consider whether they are in a position to provide the service for the remainder of the concession period, subject to the same conditions and level of compensation applying to the current contract.

Departmental Bodies

75. **Deputy Enda Kenny** asked the Minister for Transport if he plans to abolish the CIE holding company; the annual cost of this company to the State; and if he will make a statement on the matter. [42684/10]

77. **Deputy Tom Sheahan** asked the Minister for Transport the reason his Department did not pursue the report PricewaterhouseCoopers research study into the financial and other implications of a proposed restructuring of the CIE companies; and if he will make a statement on the matter. [42689/10]

Minister for Transport (Deputy Noel Dempsey): I propose to take Questions Nos. 75 and 77 together.

It is not planned to abolish the CIE Holding Company. The CIE Holding Company provides central services for the whole CIE Group. These include services such as IT, legal, insurance, property management, management of the pension schemes and human resources management. Strategic direction, control and overall co-ordination is provided by the holding company whilst each subsidiary has a high degree of operating autonomy. The number of employees in the CIE holding company is less than 2% of the total number of employees in the whole CIE Group. The Exchequer does not fund the operating costs of the CIE holding company. CIE has a statutory mandate under various Transport Acts to provide Public Service Obligation (PSO) passenger services. The National Transport Authority governs the funding of these PSO services through the Public Service Contracts which are in place between Iarnrod Eireann, Bus Eireann and Dublin Bus.

In 2002 PriceWaterhouseCoopers undertook a research study into the financial and other implications of a proposed restructuring of the CIE Group. This report concluded that any restructuring of the Group would require extremely complex issues to be addressed in areas such as ownership of CIE property, pensions, insurance liabilities, debt management and human resources. In the event radical CIE restructuring did not proceed for the reasons mentioned. However, since the report was published, the bus and rail subsidiaries have operated with enhanced devolved responsibilities.

Commercial Seaports

76. **Deputy Pat Rabbitte** asked the Minister for Transport if he will provide a list of seaports here; his plans for modernising the country's seaports; if he is satisfied that there is sufficient shipping capacity for the medium to long term; if he is satisfied that all the seaports have management structures and financial resources to carry out their mandate; and if he will make a statement on the matter. [42741/10]

Minister for Transport (Deputy Noel Dempsey): The Central Statistics Office publishes a comprehensive annual report entitled "Statistics of Port Traffic". This report lists 21 commercial seaports in the State and also provides details such as all goods exported and imported through those ports. The report is available on the website of the Central Statistics Office, www.cso.ie The Ports Policy Statement, published in 2005, is the guiding policy framework within which our commercial seaports operate. In September this year I published a consultation document on a review of that policy statement.

The review provides an opportunity to consider all issues in relation to the sector, including the issues mentioned in the Deputy's question.

My Department is currently examining the submissions received during the recently concluded consultation period.

Question No. 77 answered with Question No. 75.

Transport Projects

78. **Deputy Liz McManus** asked the Minister for Transport the level of capital funds he plans to spend on transport projects in 2011; if he will outline his spending priorities; and if he will make a statement on the matter. [42736/10]

Minister for Transport (Deputy Noel Dempsey): The review of Infrastructure Investment Priorities 2010-2016, which was published in July this year by the Department of Finance, gives indicative capital allocations for my Department for 2011 and subsequent years. The priorities for future investment in transport are set out in the Review.

The final capital funding allocation for my Department for 2011 will be determined as part of the 2011 Budget process.

Clamping Industry

79. **Deputy Seán Sherlock** asked the Minister for Transport his plans to introduce legislation to regulate the private clamping industry similar to the existing legislation which regulates the private security industry; and if he will make a statement on the matter. [42742/10]

Minister for Transport (Deputy Noel Dempsey): Clamping of vehicles on private land goes beyond the remit of my Department and I have no proposals to regulate it.

Greenhouse Gas Emissions

80. **Deputy Joe McHugh** asked the Minister for Transport the proposals he has to reduce emissions from publicly owned cars, buses and trains; and if he will make a statement on the matter. [42696/10]

Minister for Transport (Deputy Noel Dempsey): The Government's Smarter Travel policy, launched by me in February 2009, provides that all public transport providers will prepare a plan for fleet replacement based on the most sustainable vehicle and fuel type. The EU adapted the Clean Vehicles Directive 2009/33 on 23 April 2009. This Directive aims to stimulate the market for clean and energy-efficient road transport vehicles by ensuring a level of demand for clean and energy-efficient road transport vehicles, which is sufficiently substantial to encourage manufacturers and the industry to invest in and further develop vehicles with low energy consumption, CO₂ emissions, and pollutant emissions.

The CIÉ Group is continuing to monitor new developments in the fields of alternative fuels and emission reduction technology and are committed to moving to lower carbon/ environmentally friendly solutions for their fleets as quickly as commercial and technical issues allow.

Question No. 81 answered with Question No. 74.

Travel Trade Regulation

82. **Deputy Jan O'Sullivan** asked the Minister for Transport his plans to implement the recommendations of the Commissioner for Aviation Regulation in his report in 2009 on reform of the licensing and bonding arrangements for travel agents and tour operators; and if he will make a statement on the matter. [42721/10]

Minister for Transport (Deputy Noel Dempsey): As the Deputy will be aware, in 2008 I requested the Commission for Aviation Regulation to undertake a review of travel trade licensing and bonding regulations. The review by CAR concluded that any reduction in the level of the bond required by travel agents would increase the likelihood of further calls on the Travel Protection Fund (TPF), which has been called upon following a number of collapses in the industry in 2008, 2009 and to date in 2010, even at current bond levels.

In November 2009, as part of the Review of the Consumer Acquis, the Directorate General for Health and Consumers (DG SANCO) of the European Commission launched a review of the Package Travel Directive. The Commission is assessing the different policy options, with the aim of presenting a possible proposal for revising the current legislation at the beginning of 2011.

Given this development, there would not appear to be any merit in undertaking reform of the bonding regime at this time without a clearer understanding of what the Commission is proposing in this area.

Question No. 83 answered with Question No. 48.

Search and Rescue Service

84. **Deputy Joanna Tuffy** asked the Minister for Transport his plans for ensuring that Ireland has a world class national search and rescue transport system; and if he will make a statement on the matter. [42744/10]

Minister for Transport (Deputy Noel Dempsey): In March this year, my Department was involved in concluding the Irish National Maritime Search and Rescue (SAR) Framework in line with current international best practice. The National Maritime SAR Framework sets out the arrangements whereby responsible parties work together to provide effective and efficient maritime and aeronautical SAR services. The Framework has been prepared both to meet domestic needs and comply with International commitments.

In addition, detailed plans for the provision of services and cooperation arrangements by the various organisations involved in the Irish National SAR are contained in Liaison Agreements and Memorandum of Understandings as well as in Coast Guard Operational Memoranda.

The Framework is now the standard reference document for use by all Irish SAR authorities working in the maritime domain and promulgates the agreed methods of co-ordination through which search and rescue operations are conducted.

Participants to the Framework include my Department, the Irish Coast Guard, the Irish Aviation Authority, the Department of Defence, the Department of Justice, the Royal National Lifeboat Institution, the Fire Services and Planning Directorate, the Health Service Executive, the Irish Mountain Rescue Association, the Irish Cave Rescue Organisation, Local Authorities, Harbour Masters, Irish Water Safety, the Radiological Protection Institute of Ireland, Dublin Fire Brigade, Community Rescue Boats of Ireland, the UK Maritime and Coastguard Agency, the Civil Defence, the Commissioners of Irish Lights, and the Air Accident Investigation Unit. The Framework can be downloaded from the Irish Coast Guard section of my Departments website at www.transport.ie.

Question No. 85 answered with Question No. 74.

Statistical Surveys

86. **Deputy John McGuinness** asked the Taoiseach his view and his Departments policy

regarding small firms or family businesses that have reduced staff numbers and do not now have the capacity to continue to complete Central Statistics Office survey forms; if such business can be exempted from completing CSO forms for a period; and if he will make a statement on the matter. [42941/10]

Minister of State at the Department of the Taoiseach (Deputy John Curran): Article 13 of the Statistics Act, 1993 makes clear that the Director General of the Central Statistics Office has sole responsibility for and independence over all decisions regarding statistical methodology and statistical standards adopted by that Office.

Consequently the Taoiseach has no input into operational matters within the CSO, including the selection of enterprises for statistical surveys.

Minimising respondent burden, especially that placed on small businesses, is a corporate priority for the Central Statistics Office. The Central Statistics Office has published a number of reports, all of which are available on the CSO website, on the administrative burden imposed on businesses by CSO surveys. These reports show that typically 70% of small businesses (i.e. those enterprises employing less than 20 persons) do not receive any questionnaires from the CSO. A further 20% of small businesses only receive a single questionnaire. The overall administrative burden imposed by the CSO on businesses (as measured using the Standard Cost Model) is less than €11m per annum; this accounts for less than 1% of the total administrative burden imposed on Irish business by Government regulation, which was estimated at €2 billion in the 2007 *Report of the Business Regulation Forum* .

Approximately 94% of Irish enterprises are small businesses employing less than 20 persons. As the dominant size class in Irish business, small businesses must be correctly represented in official statistics, both to comply with precision standards prescribed in EU legislation but also so that robust information can be provided to policy makers to support decision making in Ireland. Not only are these data important in showing the contribution of small business to the wider economy, they are essential building blocks in the calculation of GDP and Gross National Income. At a time when very significant decisions are being made, it is more critical than ever that estimates of economic performance are accurate and credible and that policy decisions are informed by robust information.

While the majority of the data is collected by the CSO in compliance with EU legislation, those same data are also demanded by Government and other national users. In fact, recent reports such as the 2008 *Building Ireland's Smart Economy, Catching the Wave* (2008), *Trading and Investing in a Smart Economy* (2010) and the 2010 *Report of the Innovation Task Force* are just some of the examples, where recommendations have been made that CSO collect additional data.

In an attempt to comply with the increasing demands for official statistics, arising from both EU legislation and national requirements, while also addressing the need to minimise the administrative burden placed on survey respondents, the CSO have in recent years introduced a range of burden-reduction measures specifically targeting small businesses. A number of survey questionnaires have been redesigned, with a reduced number of questions now being asked. In addition, the sample sizes of surveys have been decreased wherever feasible; in some cases, such as that of the Business Register Inquiry, surveys have been discontinued altogether. The CSO are also increasingly using administrative data, obtained from the Revenue Commissioners and other Government bodies, to both reduce existing burden to business or to avoid imposing additional burdens on business in compliance with new EU legislative demands. It is expected that this will lead to significant reductions in the number of small businesses being surveyed by the CSO's major structural inquiries.

Departmental Advertising

87. **Deputy Lucinda Creighton** asked the Taoiseach the amount spent by his Department on public relations and advertising in the years 2008, 2009 and to date in 2010; and if he will make a statement on the matter. [42392/10]

The Taoiseach: The table below details the amount spent by my Department on advertising in the years 2008, 2009 and to the end of October 2010. My Department has incurred no spend on Public Relations from 2008 to date.

Year	Advertising
	€
2008	75,005*
2009	25,303*
2010 (Jan-Oct)	20,951*

*These amounts include advertising expenditure recouped from the Change Management Fund in the Department of Finance: 2008 €43,382; 2009 €3,402; 2010 €9,372.

Departmental Reviews-Reports

88. **Deputy Lucinda Creighton** asked the Taoiseach the number of external reports and reviews commissioned by his Department in 2008, 2009, and to date in 2010; if he will name each review and report, the spending on external reports and reviews in each of those years; and if he will make a statement on the matter. [42393/10]

The Taoiseach: The information sought by the Deputy is set out in the Table beneath.

Year	Title of Report/Review	Spending on Report/Review
		€
2008	1. Report on the Review of the Operation of Regulatory Impact Analysis	124,193
	2. Report on the Review of the Economic Regulatory Environment	409,042
	3. A Regulatory Impact Analysis of the Transposition of the Optional Pensions Provisions of the Transfer of Undertakings Directive	7,200
	4. Knowledge Management Report — To advise the Department on Knowledge Management principles	2,269
	5. Evaluate and present a report on virtualisation options for eCabinet System	726
	6. Irish Civil Service Customer Satisfaction Survey	69,817
2009	1. Survey of Civil Service General Public Customers	68,186
	2. Garda Boundaries Realignment Project	46,413
	3. Irish Civil Service Customer Satisfaction Survey	68,186
	4. Irish Civil Service Business Satisfaction Survey	23,752

Departmental Expenditure

89. **Deputy Lucinda Creighton** asked the Taoiseach the total amount of money owed to private firms by his Department; and if he will make a statement on the matter. [42394/10]

The Taoiseach: There are 65 invoices due to be paid to private firms by this Department totalling €121,553. 78% of these invoices will be paid within 15 calendar days.

Community Employment Schemes

90. **Deputy Olivia Mitchell** asked the Tánaiste and Minister for Education and Skills if she can clarify that in order to qualify for the training aspect of a community employment scheme a participant must give up social welfare entitlements; and if she will make a statement on the matter. [42523/10]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): Community Employment (CE) is an active labour market programme/intervention designed to provide eligible long-term unemployed people and other disadvantaged persons (including lone parents, recovering drug mis-users and those with a disability) with an opportunity to engage in useful part-time work within their communities on a temporary, fixed-term basis.

CE helps unemployed people to re-enter the active workforce by breaking their experience of unemployment through a return to a work routine and to assist them to enhance/develop both their technical and personal skills by providing opportunities for individual training and development. The Individual Learner Plan (ILP) training is an integral part of the CE placement for all CE participants, providing tailored training based on the individual needs of the participants. There is no link between social welfare payments and training provision on CE.

The continued receipt (or otherwise) of a particular social welfare payment whilst participating on a CE scheme is dependent on the Department of Social Protection rules governing each type of payment.

Residential Institutions Redress Scheme

91. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills when the trust fund for the survivors of residential institutions, first announced by the Government in 2009, will be put into place; if she will provide a breakdown of the sums of money transferred by the 18 religious teaching congregations to the State for the purpose of this trust fund to date; when she expects the fund to be formally established; and if she will make a statement on the matter. [42795/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Government announced its intention to use €110m of the offers of contributions to be made by the religious Congregations over the next few years to establish a Statutory Fund on 15th April last. This proposal is in keeping with the all party Motion passed by Dáil Éireann, supporting the proposal for a Trust to be set up and managed by the State for the support of victims and for other education and welfare purposes.

My Department has undertaken a wide ranging consultation process, meeting with groups representing survivors of institutional abuse, the religious Congregations and other interested parties. Press advertisements also invited views and submissions as to the exact nature of the fund, how it will operate and the uses to which it will be put. The views expressed in the responses together with the views from the Department's engagement with groups and other interested parties have been considered and my Department expects to report to Government shortly on the matter and will be submitting a Scheme of a Bill to provide for the Statutory Fund.

To date €20.6m has been received in contributions towards the Statutory Fund as follows: Brothers of Charity — €1,000,000; Dominican Friars — €6,500,000; Daughters of Charity of St Vincent de Paul — €1,000,000; Daughters of the Heart of Mary — €1,500,000; Hospitaller Order of St John of God — €1,000,000; Presentation Brothers — €2,000,000; Presentation

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Sisters — €4,000,000; Sisters of Charity — €1,000,000; Sisters of Our Lady of Charity — €600,000; Sisters of St. Clare — €1,000,000; and Sisters of St Louis — €1,000,000.

These contributions have been deposited in an interest bearing account in the Central Bank of Ireland pending the establishment of the Statutory Fund.

Departmental Expenditure

92. **Deputy Willie Penrose** asked the Tánaiste and Minister for Education and Skills if she will outline in comprehensive detail the reason her Department has not paid the expenses legitimately incurred and audited which have been submitted by an association (details supplied) and if her attention has been drawn to the fact that the non-payment thereof is likely to lead to the closure of the office facilities in Limerick; and if she will make a statement on the matter. [42976/10]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): In order for expenditure to be approved for reimbursement from the European Globalisation Adjustment Fund (EGF) it is required that it be verified that the expenditure was on services covered by the terms of the EGF. Expenditure claims made in this regard are currently under examination.

Catchment Boundaries

93. **Deputy Michael D’Arcy** asked the Tánaiste and Minister for Education and Skills the number of schools she has changed from one catchment area to another in the past three years; and if she will make a statement on the matter. [42428/10]

94. **Deputy Michael D’Arcy** asked the Tánaiste and Minister for Education and Skills the number of schools she has changed from one catchment area to another in the past five years; and if she will make a statement on the matter. [42429/10]

95. **Deputy Michael D’Arcy** asked the Tánaiste and Minister for Education and Skills the number of schools she has changed from one catchment area to another in the past ten years; and if she will make a statement on the matter. [42430/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I propose to take Questions Nos. 93 to 95, inclusive, together.

Catchment boundaries have their origins in the establishment of free post primary education in the late 1960s. For planning purposes, the country was divided into geographic districts, each with several primary schools feeding into a post primary education centre with one or more post primary schools. The intention was that these defined districts would facilitate the orderly planning of school provision and accommodation needs. They also facilitated the provision of a national school transport service, enabling children from remote areas to get to their nearest school.

In general, the Department does not change schools from one catchment area to another. However, when a new post primary centre is established, it is necessary to create a new catchment area for the purposes of identifying feeder primary schools, previously belonging to other post primary centres, for the new centre. This happened, for example, in Meath in recent years where two new post primary centres were established in Ratoath and Laytown. This is not the case where an additional school is provided in an existing post primary centre as this centre then becomes a multi-school centre.

Furthermore, where a sole post primary school in a post primary centre is closed, the existing feeder primary schools may have to be reassigned to another appropriate post primary centre.

Unfortunately, it has not been possible to gather the specific details requested by the Deputy in the time available. However, I will arrange for the details to be forwarded separately to the Deputy.

Psychological Service

96. **Deputy Arthur Morgan** asked the Tánaiste and Minister for Education and Skills the reason a school (details supplied) in County Donegal has no access to the National Education Psychological Service; and if she will make a statement on the matter. [42432/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I can inform the Deputy that all primary and post-primary schools have access to psychological assessments either directly through my department's National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA). Schools that do not currently have NEPS psychologists assigned to them may avail of the SCPA, whereby the school can have an assessment carried out by a member of the panel of private psychologists approved and paid for by NEPS.

In common with many other psychological services and best international practice, NEPS encourages a staged assessment process, whereby each school takes responsibility for initial assessment, educational planning and remedial intervention. Only if there is a failure to make reasonable progress in spite of the school's best efforts, will a child be referred for individual psychological assessment. This system allows the psychologists to give early attention to urgent cases and also to help many more children indirectly than could be seen individually. It also ensures that children are not referred unnecessarily for psychological intervention.

Should school authorities have specific difficulties with regard any of the foregoing or in relation to a specific pupil I would suggest that they should contact the relevant local NEPS Regional Director, for whom contact details are available on my Department's website.

The Deputy will no doubt be aware of the undertaking within the Renewed Programme for Government to an overall expansion of NEPS psychologist numbers to 210, currently NEPS staffing numbers stand at 157.

However I can inform the Deputy that my Department and the Public Appointments Service (PAS), following the organisation of a competition and interview process earlier this year, has put in place a new recruitment panel for NEPS. PAS is currently poling candidates for an initial intake of 22 psychologists which it is hoped will, following the required Garda vetting process, be available for intake into NEPS by years end or early in the new year. It is also envisaged that the remainder of the required intake, to the level of that committed to in the Renewed Programme for Government, will receive similar offers shortly thereafter.

The assignment of a NEPS psychologist to the school referred to in the Deputy's question is a matter for consideration by the relevant NEPS Regional Director and will be subject obviously to the availability and engagement of suitably qualified personnel in the above process for the relevant NEPS office.

Schools Refurbishment

97. **Deputy Brendan Howlin** asked the Tánaiste and Minister for Education and Skills if her attention has been drawn to the fact that both safety and comfort for pupils and teachers are severely compromised by the current state of a school (details supplied) in County Wexford; in view of the fact that her Department has not spent a large proportion of its schools budget for the current year, if she will review the funding application submitted in respect of emer-

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gency repairs to the roof and other parts of this school; and if she will make a statement on the matter. [42438/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): An application for funding under Emergency Works was submitted by the school in question. However, following an assessment of the application and in light of the nature and scale of the works involved it is not possible to provide funding at this time.

It is open to the school authority to submit an application for these works under the next round of the Summer Works Scheme.

FÁS Training Programmes

98. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills if she or her Department took legal advice in advance of issuing a circular to FÁS in January 2010 which restricted the eligibility for FÁS training allowances only to persons who have been receipt of jobseeker's allowance or jobseeker's benefit immediately prior to entering FÁS training courses; if she or her Department has taken legal advice since the implementation of this circular with regard to it constituting indirect discrimination to workers from other European Union countries; and if she will make a statement on the matter. [42469/10]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): The measure to restrict the payment of a FÁS training allowance to those persons who, immediately prior to the commencement of their training, had an entitlement to either Jobseeker's Benefit (JB) or Jobseeker's Allowance (JA) was one of a series of savings measures taken as part of Budget 2010.

In relation to the issue raised by the Deputy in connection with workers from other European Countries the matter is currently under review.

Schools Building Projects

99. **Deputy Simon Coveney** asked the Tánaiste and Minister for Education and Skills the position regarding a school (details supplied) in County Cork; if previous assurances in relation to timescale and commencement of building times are accurate; when building work will commence; the length of time this building work will take; and if she will make a statement on the matter. [42504/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I am pleased to inform the Deputy that my Department recently authorised the Design Team to issue the Letter of Acceptance (i.e. award the contract).

Assuming that no issues arise, it is expected that the project will commence construction within weeks and will take circa 12 months to complete.

100. **Deputy Emmet Stagg** asked the Tánaiste and Minister for Education and Skills the position regarding improvements to a school (details supplied) in County Kildare; if a new school is to be built or an extension added to the existing school and when a design team will be appointed to the project. [42508/10]

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 an extension/refurbishment.

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.

Special Educational Needs

101. **Deputy Richard Bruton** asked the Tánaiste and Minister for Education and Skills the number of special needs assistants employed in each county in the years 2005, 2006, 2007, 2008, 2009 and to date in 2010 in tabular form. [42522/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The information requested by the Deputy on the number of special needs assistants employed in each county on the dates specified is not readily available.

The number of Special Needs Assistants employed nationally in each of the past five years and on 30th September 2010 is available in the document below. The details for each of the past five years are the December figures for the year in question. The primary schools information is inclusive of the special schools details.

As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs), for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support.

SNAs are allocated to schools to enable them to support pupils with disabilities who also have significant care needs. The allocation for any school and any adjustments to that allocation depends on a number of factors such as the number of pupils with care/medical needs leaving, the number of new pupils and the changing needs of the pupils. While SNA posts may be allocated to schools in line with my Department's criteria, SNA posts may also be suppressed where a child may leave or move school, or may achieve a greater level of independence.

I wish to confirm for the Deputy that my Department is very supportive of the SNA scheme. It has been a key factor in both ensuring the successful integration of children with special educational needs into mainstream education and providing support to pupils enrolled in special schools and special classes.

Number of Special Needs Assistants

Year	Number of Special Needs Assistants in Primary schools	Number of Special Needs Assistants in Post Primary Schools, including VECs.
2005	6,273	1,021
2006	6,974	1,416
2007	8,038	1,786
2008	8,440	2,002
2009	8,392	1,950
30/09/2010	8,141	2,065

School Staffing

102. **Deputy Tom Sheahan** asked the Tánaiste and Minister for Education and Skills if she will investigate the case of a person (details supplied) regarding registration and rates of pay in the teaching profession; and if she will make a statement on the matter. [42536/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The details of the case referred to by the Deputy are being checked at present.

I will arrange for the Deputy to be notified of the position.

Higher Education Grants

103. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills if she will respond to a person (details supplied); and if she will make a statement on the matter. [42547/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The decision on eligibility for a student grant is a matter, in the first instance, for the relevant grant awarding authority i.e. the applicant's local authority or VEC.

Where a grant application is refused, the reason for the refusal is given by the grant awarding authority. An applicant may appeal the decision to the relevant local authority or VEC.

Where the grant awarding authority decides to reject the appeal, the applicant may appeal this decision to my Department by submitting an appeal form outlining clearly the grounds for the appeal.

No appeal has been received by my Department to date from the candidate referred to by the Deputy.

School Services Staff

104. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills her views on an issue (details supplied); and if she will make a statement on the matter. [42548/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): In the context of the Towards 2016 Review and Transitional Agreement in 2008, it was agreed that the relevant parties would enter into discussions regarding the terms and conditions of both school secretaries and caretakers. Accordingly, a forum was set up with the aim of establishing the position in schools regarding the terms and conditions of certain school secretaries and caretakers employed using grants issued by my Department. The forum is jointly chaired by my Department and the Department of Finance and includes the relevant management bodies and the unions involved (SIPTU and IMPACT).

In order to establish the factual position of secretaries and caretakers, a survey, developed in conjunction with the school management bodies and the relevant unions, was carried out in all schools. The results of the survey will feed into the work of the forum.

I do not propose to comment further until the outcome of the forum discussions is available.

School Staffing

105. **Deputy Richard Bruton** asked the Tánaiste and Minister for Education and Skills if the schemes of early retirement, voluntary redundancy and redeployment will be applied by her Department in respect of the members of trade unions who voted against the Croke Park agreement and if she will indicate the precise distinctions that will be drawn; and if she will make a statement on the matter. [42550/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Currently there are no schemes for early retirement or voluntary redundancy open to officials at my Department other than the Cost Neutral Early Retirement Scheme which was introduced in early 2005.

In the event any further new schemes of early retirement, voluntary redundancy or redeployment programmes are introduced for all civil servants or for staff of a particular grade, they will be offered to those that qualify regardless of their union affiliation. The introduction of such schemes for the civil or public service under the terms of the Croke Park agreement is a matter for the Minister for Finance in the first instance.

School Management

106. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Education and Skills the reason nearly a year after sending in a final certificate that a public employee (details supplied) has not been allowed resume their duties. [42559/10]

107. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Education and Skills if she has accepted a final certificate from a person (details supplied). [42560/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I propose to take Questions Nos. 106 and 107 together.

The person referred to by the Deputy is employed by the Board of Management of the school.

Issues relating to the appointment and the employment of the person including the personnel issues referred to are a matter for the Board.

An official of my Department received a query in December 2009 from the secretary of the board of management of the school regarding the employment of the person referred to by the Deputy. The secretary was advised that the Board, as employer, should seek legal advice on the matter.

I understand from correspondence received from the person in question that an independent state body dealing in employment matters is involved in this case.

The person referred to should contact the Board with regard to issues concerning his employment in the school.

Schools Refurbishment

108. **Deputy Tom Sheahan** asked the Tánaiste and Minister for Education and Skills if she will review an application for emergency works grant for a school (details supplied); and if she will make a statement on the matter. [42592/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Funding for Emergency Works are made available to those schools most in need of resources as a result of unforeseen emergencies of a capital nature that may arise during the school year.

The school referred to by the Deputy has submitted an application for funding under this scheme to my Department and this application is being assessed. A decision will issue to the school as soon as possible.

Ministerial Travel

109. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Education and Skills the number of times she has used the Government jet in the past four weeks; the purpose and costs of the trips; and if she will make a statement on the matter. [42755/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I have not used the Government jet in the past four weeks.

Special Educational Needs

110. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills if and when a special needs unit will be provided for a school (details supplied) in County Kildare in view of the fact that the school cannot accept special needs pupils until a special needs unit is provided; if she will confirm the number of inquiries from parents and children with special needs; and if she will make a statement on the matter. [42768/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I am pleased to inform the Deputy that funding for the provision of a special needs unit at the school in question has recently been approved.

Schools Building Projects

111. **Deputy Deirdre Clune** asked the Tánaiste and Minister for Education and Skills if she will confirm that funding for a school (details supplied) in County Cork will be protected in light of the fact that previously appointed contractors are not now in a financial position to construct the project; and if she will make a statement on the matter. [42785/10]

117. **Deputy Simon Coveney** asked the Tánaiste and Minister for Education and Skills when work will begin on a school (details supplied) in County Cork; when the contractor will be officially given the go ahead to begin the building of this school; and if she will make a statement on the matter. [42889/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I propose to take Questions Nos. 111 and 117 together.

As the Deputies will be aware, the project to which they refer encountered delays in securing planning permission and land transfers. These problems were compounded by certain issues that subsequently arose with the preferred bidder and which resulted in a recent decision to re-tender the project.

It is envisaged that the project will be re-tendered shortly. Subject to no issues arising, it is anticipated that it will progress to construction in early 2011.

112. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills if she has received formal complaints from stakeholders regarding the delays in delivering the school building programme budget; her views on any correspondence received; and if she will make a statement on the matter. [42800/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): My Department has ongoing discussions with stakeholders regarding the school building programme and in the course of recent discussions, the matter of the 2010 capital programme for my Department was raised.

The situation regarding delivery of the school building programme is outlined in such discussions and stakeholders are briefed on the same issues that I myself outlined to the House last week. Furthermore, as I also indicated to the House last week, my Department is taking steps to ensure that projects will continue to move on site in the remainder of the year.

Schools Refurbishment

113. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills the amount that has been allocated to water conservation and rain water harvesting in schools to date in 2010; the number of schools that will benefit; the proportion of funding that has been drawn down to date by schools; the date by which funding must be spent; and if she will make a statement on the matter. [42801/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): As part of the Summer Works Scheme 2010, schools were invited to apply for Water Conservation Measures to reduce water usage by installing push type spray taps, low flushing toilets and urinal controls. Funding in excess of €9.6m was allocated to 1823 primary and post-primary schools in late October 2010.

Schools were advised that funding should be drawn down within two months from date of issue of approval letters and to-date draw down requests of approximately €36,000 have been received.

Institutes of Technology

114. **Deputy Michael McGrath** asked the Tánaiste and Minister for Education and Skills if a particular programme (details supplied) falls within the remit of her Department. [42851/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The Irish Homecoming Study Programme is an initiative developed by the Institute of Technology sector to promote the Institutes overseas, primarily in the US market. It does not fall within the remit of my Department, nor has it received any funding from my Department.

Schools Refurbishment

115. **Deputy John O'Donoghue** asked the Tánaiste and Minister for Education and Skills if a grant will be made available to a school (details supplied) in County Kerry under the emergency works scheme to enable the school authorities to remove an existing prefab on site which has become a hub for unsocial behaviour and is posing a serious health risk to both staff and pupils; and if she will make a statement on the matter. [42879/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Funding for Emergency Works are made available to those schools most in need of resources as a result of unforeseen emergencies of a capital nature that may arise during the school year.

The school referred to by the Deputy has submitted an application for funding under this scheme to my Department and this application is being assessed. A decision will issue to the school as soon as possible.

College Financial Statements

116. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Education and Skills the reason the consolidated financial statements for a college (details supplied) for the years 2003, 2004 and 2005 were only laid before the Dáil on 9 November 2010; and if she will make a statement on the matter. [42883/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Under the Universities Act, 1997, Universities must submit to the Comptroller and Auditor General their annual consolidated financial statements. A copy of the financial statements, together with a copy of the report of the Comptroller and Auditor General on the accounts, must then be presented

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by the University to both the Higher Education Authority and to my Department. My Department must then lay the accounts together with a copy of the report of the Comptroller and Auditor General (C & AG) before the Houses of the Oireachtas.

In the case of the institution referred to by the Deputy, the accounts for the years 2003, 2004 and 2005 were signed off by the C & AG on 29th July 2009 and were subsequently received in my Department on 11th October 2010, and were sent to the Oireachtas Library on 1st November last. I understand that any further delay in submitting the accounts to my Department was due mainly to arrangements being made by the institution concerned to translate into Irish the relevant documentation concerned.

In April of this year my Department requested that the Higher Education Authority (HEA) remind all institutions of their responsibility in ensuring the immediate submission to my Department of their accounts once signed off on by the C & AG.

Question No. 117 answered with Question No. 111.

Site Acquisitions

118. **Deputy Richard Bruton** asked the Tánaiste and Minister for Education and Skills if she has met with representatives of an organisation (details supplied) in relation to moving to a new site; the steps she has taken to help the school acquire this site; and if she will make a statement on the matter. [42963/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I wish to advise that my officials have conducted technical inspections of two properties at the request of the school authority referred to by the Deputy. Technical reports are being finalised with a view to identifying the optimum solution. Once these are to hand, my officials will be in a better position to give further consideration to the proposed options and will appraise the school authority accordingly.

Departmental Reports

119. **Deputy Brian O'Shea** asked the Tánaiste and Minister for Education and Skills her plans to publish the Hunt report before the budget; and if she will make a statement on the matter. [42973/10]

121. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills further to Parliamentary Question No. 78 of 9 November 2010, when she received the report; when she circulated it to her Cabinet colleagues; the timeframe, if any, she gave within which to send their written replies; when she expects to bring a memorandum to Government for agreement; and if she will make a statement on the matter. [43027/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): I propose to take Questions Nos. 119 and 121 together.

The terms of reference for the High Level Group which was established to develop proposals for a new national strategy for higher education provided for an extensive examination of all issues relating to the future development of the higher education sector. The Group has now completed its work and I received its report in August. I am consulting with my Government colleagues in relation to the report in accordance with standard procedures and the timeframe for publication of the report will be decided in that context.

Ministerial Travel

120. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills further to Parliamentary Question No. 62 of 9 November 2010, if she will provide a list of the names of all the organisations that she met; the names of the principal representative of those organisations; the follow-up plan agreed between her and Enterprise Ireland; and if she will make a statement on the matter. [43026/10]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The aim of the education mission was to increase awareness of Ireland as a destination for full-time academic study by US students, building on our strong position as the ninth most popular destination among American students studying overseas for a semester or academic year. My engagements were:

- Networking event for Irish higher education institutions and high school counsellors from the Chicago area at which I delivered an address focusing on the benefits of studying in Ireland.
- Interview and meeting with a group of Irish American media publishers. The principal contact among the US publishers in arranging the meeting was Mr Cliff Carlson, CEO of Irish American News.
- Meeting with representatives of the Irish American Partnership (IAP). The IAP is an Irish American philanthropic organisation, with a focus on education projects, and is led by Mr Joe O’Leary, the CEO. Ongoing contact with the Partnership is maintained through the Consulate General of Ireland in Boston.
- Working dinner with members of the Irish American business community and with current and prospective IDA clients in Chicago. This dinner was organised by the Consulate General of Ireland, IDA Ireland and the American Ireland Fund. IDA Ireland are following-up on the outcome of this working dinner.
- An address to the Harris School of Public Policy at the University of Chicago, a significant partner to the Geary Institute at UCD. The Dean at the School is Prof Colm A. O’Muircheartaigh.
- Meeting with Mr Richard M. Daley, Mayor of the City of Chicago.
- Meeting with Ms Mary B. Richardson-Lowry, President of the Chicago Board of Education.
- Working dinner with members of the Irish-American business community in St. Louis, organised by Mr Joseph McGlynn, Ireland’s Honorary Consul in St. Louis.
- Meeting with Ms Joyce Smith, CEO of the National Association for College Admission Counselling.
- Working lunch with the senior leadership of the National Association of High School Scholars, led by Mr Claes Nobel, the Association’s Chairman.
- A meeting with the senior leadership of Fontbonne University in St Louis, led by President Dennis Golden.

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Following the Education Mission, Enterprise Ireland (EI) has prepared a comprehensive range of initiatives relating to the US market, including:

- The development of a number of research projects to validate/refine EI's US action plan. These are scheduled for completion by early 2011;
- The development of specific marketing material for the US, based on feedback from contacts developed on the mission;
- Follow up discussions have taken place with the Irish American publishers which I met. These have been very positive and it has been agreed that an Education Ireland supplement will be prepared and published in the Irish American publications during early 2011;
- Based on the lessons learned from the Student Fairs organised as part of the Mission, a series of further fairs and events will be rolled out in 2011;

Enterprise Ireland is also seeking to deepen its relationships with counsellors who attended the Counsellor Breakfasts during the Mission and also developing relationships with others, including with specific local or regional associations such as the Massachusetts Catholic School Counsellors Association. They will also seek to develop relationships with Irish American Associations and with alumni, including through the development of a pilot Student Ambassador Programme. EI will be working closely with my Department on ongoing implementation of the international education strategy.

Question No. 121 answered with Question No. 119.

Customs and Excise Service

122. **Deputy Lucinda Creighton** asked the Minister for Finance the number of aircraft searched by Customs and Excise at Baldonnell and Weston Airports in 2009 and to date in 2010; the number of seizures at each airport in each year; the number of drug seizures as a result of searches at each airport in each year; and if he will make a statement on the matter. [42382/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that decisions on whether or not to search aircraft are taken following profiling and review of intelligence. In 2009, 61 searches of aircraft were carried out at Weston, while to date in 2010, 33 searches of aircraft have taken place there. No seizures were made and no drugs were detected in either 2009 or 2010. In relation to Baldonnell Aerodrome, no searches of aircraft have been carried out in the year 2009, or to date in 2010 on the basis that profiling of the traffic using the aerodrome and review of available intelligence suggests that the risk of smuggling through this location is minimal.

Cabinet Committees

123. **Deputy Aengus Ó Snodaigh** asked the Minister for Finance the membership of the Cabinet committee on aspects of international human rights and the number of times the committee has met. [42391/10]

Minister for Finance (Deputy Brian Lenihan): The Committee has met on three occasions to date.

 Membership of the Committee

Minister for Finance (Chair)	Mr B Lenihan, TD
Minister for Transport	Mr N Dempsey, TD
Minister for Justice & Law Reform	Mr D Ahern, TD
Minister for Foreign Affairs	Mr M Martin, TD
Minister for the Environment, Heritage & Local Government	Mr J Gormley, TD
Minister for Communications & Natural Resources	Mr E Ryan, TD
Attorney General	Mr Paul Gallagher, SC

Pension Provisions

124. **Deputy Finian McGrath** asked the Minister for Finance if he will examine the Trident report on future pension provisions from the Irish National Teachers Organisation, the Teachers Union of Ireland and the Association of Secondary Teachers of Ireland and if he will support same. [42783/10]

125. **Deputy Finian McGrath** asked the Minister for Finance if he will support a matter (details supplied) [42882/10]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 124 and 125 together.

My Department is aware of the report by Trident Consulting entitled “Future Pension Provision” which was commissioned by the three teachers unions, ASTI, INTO and the TUI. In addition, my Department is aware of the views of these unions concerning the Government’s planned introduction of a single pension scheme for all new-entrant public servants. The Trident Report was made available to officials of my Department and was the subject of a specific meeting between my officials and the teachers unions.

As I announced in Budget 2010, the Government are committed to the introduction of a new single public service pension scheme for new joiners. The new scheme is aimed at securing considerable long-term Exchequer savings, while continuing to offer fair and reasonable pensions to retired public servants. Its principal features will include career-average benefit accrual, inflation-indexation of benefits and an increased pension age. Extensive consultations on the proposed new scheme with Government Departments and with the staff side have taken place. Draft legislation to introduce the new scheme is currently in preparation, and it is planned that the scheme will be operational in 2011.

I welcome the Trident Report as a contribution to the debate on pension provision. However the Report’s recommended approaches to pension provision differs in fundamental respects with the Government’s policy and I can not accept the Report as a policy basis for pension provision for new-entrant teachers at this time.

Tax Collection

126. **Deputy Phil Hogan** asked the Minister for Finance the reason a person (details supplied) in County Kilkenny was not allowed a tax refund under section 381 of the consolidation Act 2007 in view of the fact that the person operates a business and should be treated as such; and if he will make a statement on the matter. [42470/10]

Minister for Finance (Deputy Brian Lenihan): I have been informed by the Revenue Commissioners that loss relief was refused in this case under Section 662 (2)(b) of the Taxes Consolidation Act 1997 — “ any loss — incurred in any year of assessment in a trade of farming or

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market gardening shall not be available for relief under section 381 if in each of the prior 3 years a loss was incurred in carrying on that trade.”

For the years 2006, 2007 & 2008, the individual in question incurred substantial losses and tax was refunded accordingly. For 2009, a further more substantial loss was incurred. The individual was visited and the business examined in detail. Following this relief was refused. The individual in question failed to satisfy the Inspector concerned that Section 662(2)(d) should apply i.e.

- (i) “that the whole of the — farming activities in the year following the prior 3 years are of such a nature, and carried on in such a way, as would have justified a reasonable expectation of the realisation of profits in the future if those activities had been undertaken by a competent farmer or market gardener, and
- (ii) that if such a farmer or market gardener had undertaken those activities at the beginning of the prior period of loss, such farmer or market gardener could not reasonably be expected those activities to become profitable until after the end of the year following the prior period of loss.”

The loss incurred may be carried forward under Section 382 of the Taxes Consolidation Act 1997 for set off against profits incurred in the same trade in future years.

If the taxpayer is dissatisfied with this determination, the assessment issued may be appealed under Section 933 of the Taxes Consolidation Act 1997. The taxpayer and her agent have already been advised verbally that the assessment could be appealed to the Appeal Commissioners.

Horse and Greyhound Racing Fund

127. **Deputy Mary Upton** asked the Minister for Finance the progress that has been made in relation to addressing the future funding of the Horse and Greyhound Racing Fund; the way he proposes to address any shortfall in the funding, arising from the tax take on gambling; and if he will make a statement on the matter. [42473/10]

Minister for Finance (Deputy Brian Lenihan): The funding of the Horse and Greyhound Racing fund is a matter for my colleague Minister Smith who has responsibility for the disbursement of the fund. In relation to the taxation of betting, 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 online or over the phone are generally with out-of-State companies so applying betting duty has been difficult.

I have 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.

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.

Tax Code

128. **Deputy Leo Varadkar** asked the Minister for Finance the cost of reducing the higher

rate of income tax by 1% to 40% for all taxpayers affected and for all earnings less than €70,000 per annum single or corresponding married; and if he will make a statement on the matter. [42505/10]

Minister for Finance (Deputy Brian Lenihan): It is assumed that the threshold for the proposed new tax bands mentioned by the Deputy would not alter the existing standard rate band structure applying to single and widowed persons, to lone parents and married couples. I am informed by the Revenue Commissioners that the full year cost to the Exchequer, estimated by reference to 2011 incomes, of reducing the higher rate of tax by 1% point would be approximately €185 million in a full year. If this rate reduction is confined to income earners whose gross incomes are below the income levels mentioned in the question the cost could be reduced to €65 million in a full year.

These figures are an estimate from the Revenue tax-forecasting model using actual data for the year 2008 adjusted as necessary for income and employment trends for the year 2011. They are therefore provisional and likely to be revised.

Tax Yield

129. **Deputy Mary Upton** asked the Minister for Finance if he has an estimate of the amount of cash held in households across the country that is not in bank accounts; if he has an estimate of the annual loss to the Exchequer from lost deposit interest retention tax and other taxes; and if he will make a statement on the matter. [42496/10]

Minister for Finance (Deputy Brian Lenihan): I have no information on the amount of money that is held privately in households, nor have I information on the amount of interest that is lost to such persons because they choose not to open deposit accounts for this cash. In the absence of this information, it is not possible to estimate how much Deposit Interest Retention Tax or other taxes may have been lost to the Exchequer.

Tax Reliefs

130. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) can be supplied with a P21 for 2009; and if he will make a statement on the matter. [42509/10]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that PAYE Balancing Statements P21 for the year 2009 issued to the person concerned on 4 August 2010 and 10 August 2010. A further claim was received from the person concerned on 1 October 2010 in respect of interest paid. Tax relief at source was granted by the financial institution in relation to this interest so no additional tax relief is due to the person concerned. A further copy of balancing statement of 10 August 2010 will issue to the person concerned shortly.

Banking Sector Regulation

131. **Deputy Tom Sheahan** asked the Minister for Finance if he will instruct the banks to make available a public database of all repossessed homes to all interested parties who wish to purchase a primary residence; and if he will make a statement on the matter. [42532/10]

Minister for Finance (Deputy Brian Lenihan): Historically, repossessions in Ireland have been low and this continues to be the case. Recent statistics from the Central Bank show that all financial institutions operating in Ireland hold a relatively small number of repossessed houses. The Deputy will appreciate that disposal of repossessed houses is a commercial decision for the institution concerned.

Public Service Contracts

132. **Deputy Tom Sheahan** asked the Minister for Finance if he will consider the introduction of stronger regulations, other than the production of a tax clearance certificate, on main contractors competing for Government contracts as many of these contractors owe millions to sub-contractors and suppliers, however, as the main contractors have paid their tax no one else can tender for contracts; and if he will make a statement on the matter. [42533/10]

Minister for Finance (Deputy Brian Lenihan): I have no proposals of the kind referred to by the Deputy. However the Government is supporting a Bill concerning payments to sub-contractors in the Construction Sector, which is currently before the Seanad.

Industrial Relations

133. **Deputy Richard Bruton** asked the Minister for Finance if a scheme such as early retirement and voluntary redundancy will be applicable in respect of members of trade unions who voted against the Croke Park agreement; and if he will make a statement on the matter. [42549/10]

Minister for Finance (Deputy Brian Lenihan): Voluntary exit packages for implementation in the public service are determined having regard to a number of factors, in particular the business needs of the organisation and the financing available. The Government has however indicated that any party that chooses to remain outside the provisions of the Agreement or that opposes its implementation cannot expect to benefit from the principal commitments it gave as part of the Agreement, namely to no further reductions in pay, no compulsory redundancies and the extension of the period within which the January 2010 pay reductions will be disregarded for the purposes of calculating public service pension entitlements to the end of 2011.

Fiscal Policy

134. **Deputy John Cregan** asked the Minister for Finance his views on amending the present time limit of ten years applicable to the National Solidarity Bond to a period of two to three years with an option to continue with this investment. [42551/10]

Minister for Finance (Deputy Brian Lenihan): In Budget 2010, I announced the Government's intention to launch a National Solidarity Bond, the purpose of which is to allow citizens an opportunity to invest and provide money to the State to stimulate economic recovery and to assist in the maintenance and creation of employment. The necessary legislative basis was provided in this year's Finance Act and the Bond was launched on Tuesday 4 May.

The National Solidarity Bond is one of the State Savings products which are managed by the National Treasury Management Agency and are designed primarily for the retail investor. The National Solidarity Bond is designed as a ten-year product. It complements the existing savings bonds and savings certificates, which are shorter-term products for three and five-and-a-half years respectively. The other State Savings products are Instalment Savings and Prize Bonds.

I might add that it is possible to encash National Solidarity Bonds at any time but, as is the normal practice with longer-term investment products, the interest rate is structured so as to encourage investors to leave their money in the Bond as long as possible.

Departmental Staff

135. **Deputy Michael McGrath** asked the Minister for Finance his plans to introduce a revised

incentivised early retirement scheme for the Civil Service; and if he will make a statement on the matter. [42582/10]

Minister for Finance (Deputy Brian Lenihan): There are currently no plans to introduce a revised incentivised early retirement scheme for the civil service.

Flood Relief

136. **Deputy Joe Carey** asked the Minister for Finance the position regarding a project (details supplied) in County Clare; and if he will make a statement on the matter. [42584/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Following a request from Clare County Council, OPW has agreed to put the Local Authority in funds so that they may design a flood defence scheme for the St. Flannan's College area. The proposed solution effectively involves the construction of an overflow weir and over 1,000 linear metres of culvert to by-pass an existing swallow hole located to the rear of St. Flannan's College. Clare County Council is currently assessing Tenders for this work and hope to appoint a consultant by the end of November 2010, with construction work to be completed in 2011.

Industrial Disputes

137. **Deputy John Cregan** asked the Minister for Finance if he can recompense sub-contractors who were contracted to a company (details supplied) when this company was awarded State contracts and did not pay sub-contractors for works carried out. [42590/10]

Minister for Finance (Deputy Brian Lenihan): The question of payment and the timing of payment to any party in a contract will depend on the terms in that contract. In regard to public works contracts the payment terms of a sub-contract is a matter between the main contractor and a sub-contractor. The matter of State compensation does not arise.

Departmental Staff

138. **Deputy Lucinda Creighton** asked the Minister for Finance the number of appeals before the Civil Service Disciplinary Appeals Board in each of the years 2007, 2008, 2009 and to date in 2010; the number of persons sitting on the board; if any remuneration or expenses were awarded to board members in each of those years; and if he will make a statement on the matter. [42753/10]

Minister for Finance (Deputy Brian Lenihan): The number of appeals heard by the Civil Service Disciplinary Appeals Board in each of the years 2007, 2008, 2009 and to date in 2010 is provided in the following table.

Year	Number of appeals before the Board
2007	2 appeals taken by the Chairperson
2008	6 appeals taken by the Chairperson
2009	7 appeals taken by the Chairperson 1 appeal taken by the Deputy Chairperson
2010 to date	3 appeals taken by the Chairperson 1 appeal taken by the Deputy Chairperson

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The Civil Service Disciplinary Code Appeal Board currently comprises of

- A Chairperson appointed by the Minister for Finance
- A Deputy Chairperson appointed by the Minister for Finance
- A panel of serving civil servants nominated by the Minister for Finance
- A panel of serving civil servants or whole-time officials of recognised trade unions nominated by the General Council Staff Panel and appointed by the Minister for Finance

The composition of a Board for a hearing is the Chairperson or Deputy Chairperson, a member of the panel of civil servants appointed by the Minister for Finance and a member of the panel appointed by the Minister on the nomination of the General Council Staff Panel.

The Chairperson is paid a fee of €752.40 per sitting day and the Deputy Chairperson is paid a fee of €416.36 per sitting day. The majority of appeals are heard in one sitting day. Board members do not receive remuneration/expenses for their participation on the Board.

Disabled Drivers

139. **Deputy Lucinda Creighton** asked the Minister for Finance the role of the Disabled Drivers Medical Board of Appeal; the number of appeals the board heard in each of the years 2007, 2008, 2009 and to date in 2010; and if he will make a statement on the matter. [42754/10]

Minister for Finance (Deputy Brian Lenihan): The Disabled Drivers Medical Board of Appeal deals with appeals under the Disabled Drivers and Disabled Passengers (Tax Concessions) Scheme. It constitutes a Chairperson and a panel of medical doctors. In addition to the Chairperson, two doctors from the panel attend each Appeal Board sitting. All appointments to the Medical Board of Appeal are made by the Minister for Finance on the nomination of the Minister for Health and Children and are for a period of 4 years. The number of appeals the Board heard in each of the years from 2007 to 2009 and to date in 2010, is as follows:

Year	Number
2007	313
2008	379
2009	239
2010 (end Sept.)	264

Financial Services Regulation

140. **Deputy Lucinda Creighton** asked the Minister for Finance the number of appeals heard by the Irish Financial Services Appeals Tribunal in each of the years 2004 to 2010 inclusive; the remuneration and expenses awarded to board members in each of those years; and if he will make a statement on the matter. [42756/10]

Minister for Finance (Deputy Brian Lenihan): The Central Bank Act, 1942 (as amended) by the Central Bank and Financial Services Authority of Ireland Act 2003 provided for the establishment of the Irish Financial Services Appeals Tribunal (IFSAT). IFSAT is an independent body providing for appeals against certain decisions made by the Central Bank (formerly known as the Financial Regulator) including administrative sanctions. The Act provides for the appointment of two executive members i.e. the Chairperson and the Deputy Chairperson and no fewer than one and no more than five lay members.

In 2007, the President made the first appointment of seven members to IFSAT. The rate of remuneration of the members of IFSAT as determined by the President (in accordance with Section 57D(5) of the 2003 Act) in 2007 is:

	Rate of Remuneration
Chairperson	€1,011.00 per day
Deputy Chairperson	€910.00 per day
Lay members	€666.00 per day

A reduction of 8% was applied by IFSAT in 2009:

	Rate of Remuneration
Chairperson	€930.12 per day
Deputy Chairperson	€837.20 per day
Lay members	€607.20 per day

The 2003 Act (as amended) imposes a variety of executive and administrative duties on the Chairperson and Deputy Chairperson. In 2007 the Chairperson and the Deputy Chairperson were required to allocate four days and two days respectively per month in the performance of those duties. In 2008 the commitment was reduced to two days for Chairperson and one day for the Deputy Chairperson with the consequent financial saving.

The number of appeals dealt with by IFSAT were as follows:

Year	Number
2004-2006	Nil
2007	1
2008	1
2009	2
2010	1

Remuneration of the Members from 2004 to 2010:

Year		€
2004-2006	Administrative Fees:	Nil
	Hearing Fees:	Nil
2007	Administrative Fees:	74,954.40
	Hearing Fees:	22,528.00
2008	Administrative Fees:	53,170.00
	Hearing Fees:	Nil
2009	Administrative Fees:	37,531.00
	Hearing Fees:	22,804.00
2010	Administrative Fees:	37,531.00
	Hearing Fees:	2,144.00

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IFSAT expenses:

Year	€
2007	1,725.00
2008	500.00
2009	485.00
2010	628.00

Foreign travel and subsistence expenses of €1,639.00 for 2010 in respect of the Deputy Chairperson and Registrar were paid.

Valuation Tribunal

141. **Deputy Lucinda Creighton** asked the Minister for Finance the number of appeals before the Valuation Tribunal in each of the years 2006, 2007, 2008, 2009 and to date in 2010; the remuneration and expenses awarded to members of the tribunal on each of those years; the funding allocated to the tribunal in each of those years; the role of the tribunal; and if he will make a statement on the matter. [42757/10]

Minister for Finance (Deputy Brian Lenihan): The Valuation Tribunal is an independent statutory body which was established under the Valuation Act, 1988 and continues under the Valuation Act, 2001. The role of the tribunal is as follows:

- (1) In accordance with section 37 of the Valuation Act, 2001, It hears and decides appeals against decisions of the Commissioner of Valuation on the valuation and revaluation of commercial properties for rating purposes under 33 of the Act.
- (2) In accordance with section 22(5) of the Derelict Sites, 1990, it must consider and determine appeals by owners of derelict sites against the determination by local authorities of the market values of those sites under section 22(1) of the Act.

The members of the tribunal are appointed by me, under statute, as Minister for Finance for a period not exceeding five years and are eligible for re-appointment. The membership is drawn mainly from the legal and valuation professions and the appointments are part-time. Currently, there are twenty members serving on the tribunal.

The remuneration (fees) and expenses paid to the members of the tribunal and the tribunal funding allocation in each of the following five specified years were as follows:

Year	Members Remuneration	Members Expenses*	Tribunal Funding Allocation
	€	€	€
2006	131,367	62,785	228,000
2007	126,615	62,612	230,000
2008	159,119	82,356	233,000
2009	147,025	67,304	213,000
2010**	73,960	33,676	300,000

*Travel & subsistence.

**01/01/2010-11/11/2010.

The numbers of appeals before the tribunal were as follows:

Year	Valuation Appeals	Derelict Sites Appeals
2006	179	9
2007	185	2
2008	318	11
2009	122	6
2010	213	9

Informal Economy

142. **Deputy Finian McGrath** asked the Minister for Finance if he will assist small businesses which are suffering in the current economic climate due to lower prices in the black economy. [42781/10]

Minister for Finance (Deputy Brian Lenihan): Internationally, a considerable amount of research has been undertaken in this area but, by definition, it is always difficult to quantify the scale of the informal economy.

The Government is taking costs out of businesses and, since 2007, measures we have implemented have saved small firms €20 million in red tape overheads. My colleague, the Minister for Enterprise, Trade and Innovation will shortly announce further administrative savings in areas such as Company Law, Employment Law and Health and Safety Law.

The Government's priority is to ensure that the business environment continues to be supportive of enterprise. Addressing the needs of SMEs is a particular priority that my Department will continue to support.

The Enterprise Development Agencies continue to play a key role in stimulating the development of new businesses, facilitating the expansion of existing companies and targeting new foreign direct investment through a broad range of initiatives, including direct financial and non-financial supports to enterprises. These supports are aimed at improving productivity, market knowledge, competitiveness and leadership and management capabilities so that firms can compete successfully and grow their businesses and exports.

Access to bank credit for businesses, particularly SMEs, has been central to Government Initiatives in addressing the crisis in the banking sector. Both the 2009 and 2010 Bank Recapitalisation arrangements provided specific commitments from the recapitalised banks to assist SMEs. Under the 2010 Bank Recapitalisation arrangement, AIB and Bank of Ireland have both committed to making available not less than €3 billion each for new or increased credit facilities to SMEs in both 2010 and 2011. This must include funds for working capital for businesses. Finance is also made available to businesses, including SMEs, through the various supports and grant Schemes provided through the Enterprise Development Agencies operating under the aegis of my Department. My officials are also working with their counterparts in the Department of Finance and the Credit Review Office on potential new credit initiatives for SMEs.

I issued guidelines to public contracting authorities aimed at operating their tendering processes in a manner that facilitates increased participation by SMEs, while ensuring that all purchasing is carried out in a manner that is legal, transparent, and secures optimal value for money for the taxpayer. The guidelines also highlight practices that are to be avoided where they can unjustifiably hinder small businesses in competing for public contracts.

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The Minister for Enterprise, Trade and Innovation also met with the Local Authority Managers in July to discuss what initiatives they can and should take to support business and facilitate training, to foster the business environment in their areas and to ensure that their procurement strategies promote innovation and provide greater SME access to public contracts. The message was also conveyed that competitiveness at local level is as important as it is at national level. Decisions made at local level have a huge role to play in determining the success of enterprise. More generally, we are seeing lower costs for business, particularly in areas such as rental of prime industrial space and office space.

I will continue to work with my Ministerial colleagues to ensure that State charges for the provision of services to business take account of the impact which such charges can have on the competitiveness of companies and their potential to create jobs in the economy.

Tax Yield

143. **Deputy Finian McGrath** asked the Minister for Finance the amount of finance money owed to the Revenue Commissioners which is currently circulating in the economy. [42782/10]

Minister for Finance (Deputy Brian Lenihan): I am advised by the Revenue Commissioners that due to the varying nature of the different taxes and the timing of payment and statutory return obligations, it is their practice to publish data in relation to tax debts on an annual basis. This facilitates meaningful comparative analysis. The latest published figures for outstanding taxes, showing the position as at 31 March 2010, is as follows:

Of the total debt on record of €2,112 million, €669m was under appeal and therefore not available for collection.

Of the total of €1,443m available for collection, €946m was under active collection while €378m was at enforcement and €119m was being managed through agreed instalment arrangement, where additional time to pay is given by Revenue.

Single Euro Payments Area

144. **Deputy John Perry** asked the Minister for Finance the progress the Government has made in the implementation of the single euro payments area initiative; the stage of implementation of this initiative, which will assist in the streamlining of business across the eurozone and result in a reduction in red tape and costs for businesses here; and if he will make a statement on the matter. [42784/10]

Minister for Finance (Deputy Brian Lenihan): For some years now the EU payments industry has been working to improve cross-border business activity by developing a pan-European electronic payments system for payments in euro, known as SEPA (the Single Euro Payments Area).

SEPA will be an area where consumers and companies can make and receive electronic payments in euro in Europe — whether between or within national boundaries, under the same basic conditions regardless of location.

The key components of SEPA are the new payments systems for:

- SEPA Credit Transfers (SCT), that is, making payments electronically from or into bank accounts, including the use of internet or telephone banking and which was launched on 28 January 2008;
- the SEPA Cards Framework, also launched on 28 January 2008; and

— the SEPA Direct Debit Scheme (SDD), which was launched on 2 November 2009.

The Payment Services Directive (PSD) provides the necessary legal framework to support the implementation of SEPA. It came into effect on 1 November 2009 and my Department transposed it through the European Communities (Payment Services) Regulations 2009 (S.I. No. 383 of 2009) to enable Ireland to apply the PSD's provisions by that date.

SEPA relates only to electronic payments and industry has a key role to ensure that competitive SEPA-compliant services are available on the market. The Irish Payments Services Organization, which administers domestic payment schemes on behalf of Irish banks, has put in place a national SEPA migration plan for the industry here. I look forward to the industry's roll out of each of the above components of SEPA.

Recognising that public authorities have a key role to play in promoting migration to SEPA based payments in Member States, given the large volumes of payments that are executed throughout the public sector, the Government is currently considering how best to leverage the payments that it makes and receives towards promoting the implementation of SEPA in this jurisdiction.

In order to further incentivise migration, the European Commission is considering legislation to establish legally-binding end-dates and a draft EU Regulation to give effect to this is expected to be published by the Commission in early 2011. My Department is monitoring the position and will assess any such proposal in due course, with a view to supporting the swift implementation of SEPA consistent with national goals and obligations.

Tax Statements

145. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) in County Kildare can be furnished with a P21 for 2009 as they require same for a third level grant; and if he will make a statement on the matter. [42798/10]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that a PAYE P21 balancing statement for the year 2009 will issue to the person concerned shortly.

Construction Contracts

146. **Deputy Joe McHugh** asked the Minister for Finance if he will acknowledge competition disparities between companies from Northern Ireland and the Republic of Ireland in electrical contracting; if he will acknowledge the need for a review of the registered employment agreement for electrical contracting in order to address these disparities; and if he will make a statement on the matter. [42819/10]

Minister for Finance (Deputy Brian Lenihan): All firms tendering for projects, including firms from outside this jurisdiction, must tender on the basis of the terms of the contract that are included in the tender documents. In the case of public sector projects, the standard forms of contracts that are used include provisions requiring compliance with the Registered Employment Agreements (REAs). The National Employment Rights Authority (NERA) is responsible for enforcing REAs. Any review of the REAs would be a matter for the relevant parties to the Agreement.

Tax Code

147. **Deputy Leo Varadkar** asked the Minister for Finance his plans to replace the 1% betting

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levy with a levy on pay-out; the amount it would raise; and if he will make a statement on the matter. [42844/10]

Minister for Finance (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 online or over the phone are generally with out-of-State companies so 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 have 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 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 endeavouring to ensure that we can put together a solution that is fair and reasonable, has a sense of balance and will not threaten jobs. In that context various proposals are being considered.

148. **Deputy Leo Varadkar** asked the Minister for Finance the thresholds for payment of VAT for construction companies and contractors and if the threshold is different for different types of business or undertaking; and if he will make a statement on the matter. [42845/10]

149. **Deputy Leo Varadkar** asked the Minister for Finance if he has given consideration to raising the threshold for VAT for construction and other contractors to discourage them from going into the grey economy; and if he will make a statement on the matter. [42846/10]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 148 and 149 together.

The annual turnover threshold for VAT registration depends on the nature of the business carried on. In general, there are two thresholds: the goods threshold, which is currently €75,000, and the services threshold, which is €37,500. Where 90 per cent or more of the turnover of a person or company consists of the supply of taxable goods, that person or company must register and account for VAT on sales if the total annual turnover of the business exceeds the goods threshold. In most other cases registration is required if the annual turnover from the supply of taxable goods or taxable services exceeds the services threshold. However, a person who makes a supply of immovable goods (that is, land or buildings) has no threshold, and must register and account for VAT on all sales regardless of value.

Accordingly, a building contractor whose turnover is from the supply of construction services must register if the annual turnover of the business exceeds €37,500, whereas a property developer must register for VAT for all sales regardless of value.

With regard to raising the VAT registration thresholds for building contractors, or introducing a threshold for property developers, I would point out that the thresholds can only be

increased in line with inflation, and the Irish services and goods thresholds are as high as they can be. Furthermore at €37,500, Ireland has the fourth highest threshold for services in the EU and some countries have no registration thresholds.

Informal Economy

150. **Deputy Leo Varadkar** asked the Minister for Finance his views regarding the increase in persons participating in the grey or black economy; his plans regarding same; and if he will make a statement on the matter. [42847/10]

Minister for Finance (Deputy Brian Lenihan): My Department does not produce estimates of the size of the informal economy nor of the estimated number of persons participating in such activities.

Internationally, a considerable amount of research has been undertaken in this area but, by definition, it is always difficult to quantify the scale of the informal economy.

Having said that, the Central Statistics Office in compiling estimates of national income, and in line with best international practice, makes adjustments to the figures in order to control for informal activity in some sub-sectors of the economy. This is done at a very detailed level, with the result that an overall economy-wide estimate is not available.

My colleague, Deputy Batt O’Keeffe, Minister for Enterprise, Trade and Innovation is working with the business community to lower their administrative burden and other business costs. The Budget and the Four-year plan will also examine further measures that may be taken to improve labour activation. These actions will help discourage participation in the informal economy.

Insurance Industry

151. **Deputy Joe McHugh** asked the Minister for Finance his views on rising home insurance costs; his further views on whether house prices and house rebuilding prices should at least partially determine home insurance premiums, together with market trends; if he agrees that costs should be kept to a minimum in the interests of taxpayers and unemployed homeowners who face a tough budget this winter; if he will engage with the Financial Regulator regarding same; and if he will make a statement on the matter. [42875/10]

Minister for Finance (Deputy Brian Lenihan): At the outset it should be noted that neither I in my role as Minister for Finance nor the Central Bank of Ireland can prohibit or restrict an insurance company from changing 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 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.

The question of house prices and house-rebuilding prices determining home insurance premiums is a matter between an individual householder and his or her insurance company. If a householder is of the opinion that the value of his or her house has changed when renewing cover, then it is a matter for that person to inform the company accordingly rather than the company to make this assumption and perhaps make it incorrectly. I have been informed that

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the Society of Chartered Surveyors have a guide to house rebuilding costs on its website, *scs.ie*, which anybody can use to establish what their rebuilding costs should be for insurance purposes.

As the Deputy is probably aware insurance costs must reflect the underlying risk — one of the factors which is previous claims history — because from a prudential perspective insurance companies are required by the Central Bank 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 higher level of claims, such as that 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.

National Asset Management Agency

152. **Deputy John O'Donoghue** asked the Minister for Finance if reports in a newspaper (details supplied) to the effect that the National Asset Management Agency is making or allowing payments of up to €200,000 to certain former and present developers are true; and if he will make a statement on the matter. [42877/10]

Minister for Finance (Deputy Brian Lenihan): NAMA has a commercial remit to manage its portfolio of over €70 billion and it has to consider, on a case-by-case basis, the overhead costs associated with leaving a debtor in place to manage his business at an agreed salary level versus the commercial alternative of appointing an insolvency expert.

NAMA has advised that it is currently reviewing business plans for the largest 30 debtors whose loans it has acquired. Part of that process involves addressing the unsustainable and unrealistic level of debtor overheads which had been permitted by the participating institutions. As part of the debtor business plan process, NAMA has typically required debtors to reduce their business overheads by between 50% and 75%.

These reduced overheads have to cover a broad array of expenses, including salaries for relevant executives. NAMA does not specify the salary of any individual but the level of business overheads permitted by NAMA will reflect the business activity of each debtor and the requisite added value that a debtor can add in terms of achieving the financial and other targets set by NAMA.

Tax Code

153. **Deputy Michael McGrath** asked the Minister for Finance the position regarding a certain type of employment payment for income tax purposes (details supplied). [42890/10]

Minister for Finance (Deputy Brian Lenihan): The position is that the type of employment payment referred to by the Deputy is subject to income tax. As with any employment, of

whatever occupation, an employer is obliged to make the appropriate deductions of income tax, income levy, PRSI and health levy on the making of any payment of such income.

An individual's liability to tax is, of course, reduced by virtue of that individual's tax credits and allowances.

Tax Reliefs

154. **Deputy Jack Wall** asked the Minister for Finance the reasons a person (details supplied) has had a tax credit deducted from their tax allowance 12 months after the Revenue Commissioners granted the credit when the person supplied an IT18 application form, and the reason the Revenue Commissioners are now seeking the person to repay €3,000 due to the error of the Commissioners in the first instance in granting the tax credit, if correct, and the action or determination the applicant must take to appeal the removal of the tax credit in the first instance and the arrears due in the second instance; and if he will make a statement on the matter. [42907/10]

Minister for Finance (Deputy Brian Lenihan): I have been advised by the Revenue Commissioners that the tax credit was granted to the person concerned on 25 September 2009 on the basis of the IT18 submitted. As part of Revenue's verification program, the claim was identified for checking and additional details were requested to support the claim. This request issued on 29 September 2009. As no reply was received to that request, in October 2010, the person concerned was advised that the credit was being withdrawn. A revised tax credit certificate for 2010 was issued on 19 October 2010, withdrawing the relief for the remainder of 2010.

In addition a PAYE Balancing Statement (P21) for the year 2009 was also issued. This statement shows an underpayment of €3,054.

A further letter has now been issued to the person concerned again requesting the details necessary to verify the claim. On receipt of a reply to that letter with the necessary supporting documentation the position will be reviewed and the relief will be restored if it is correctly due.

Flood Relief

155. **Deputy Paul Connaughton** asked the Minister for Finance if there is a new report about to be published concerning the next phase of remedial works as a result of the severe flooding in November 2009; the funding that has been made available to Ballinasloe for current projects; the next phase of proposals for Ballinasloe and its hinterland; and if he will make a statement on the matter. [42933/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Flood Alleviation Ballinasloe, a local community group, commissioned a flood study of Ballinasloe which was recently submitted to the Office of Public Works and Galway County Council for consideration in advance of its publication. The report is currently being considered by the OPW.

To date in 2010, Galway County Council has been allocated a total of €994,700 under the Minor Flood Mitigation Works Scheme for measures in Ballinasloe town. In addition, funding totalling €136,800 was allocated to the Council under the scheme for ten projects in the Ballinasloe hinterland. The initiation and progression of projects being funded under the scheme is a matter for the Council.

It is open to the Council to submit further applications for the Ballinasloe area under the scheme during the remainder of the year. If an application is submitted by the Council that meets the relevant eligibility criteria, it will be assessed having regard to the total funding available for flood risk management.

Tax Reliefs

156. **Deputy Michael McGrath** asked the Minister for Finance if a person (details supplied) in County Cork could claim tax relief for qualifying third level fees. [42952/10]

Minister for Finance (Deputy Brian Lenihan): I have been informed by the Revenue Commissioners that qualifying third level fees are allowable against Irish tax liability. I understand that in the particular case referred to by the Deputy, the taxpayer is working in the United Kingdom, and is not liable to pay tax in Ireland. Any claim for tax relief must therefore be made to the UK tax authorities.

Departmental Properties

157. **Deputy Michael Creed** asked the Minister for Finance if he will furnish the financial detail regarding the relocation of staff at a building (details supplied) in County Cork; to whom the vacated premises was disposed of and the consideration paid for same; if he will provide details regarding the total consideration paid for the new offices secured for these staff in Cork; and if he will make a statement on the matter. [42955/10]

Minister of State at the Department of Finance (Deputy Martin Mansergh): In December 2004, the Commissioners of Public Works invited proposals from Property Developers in a position to provide high quality offices to facilitate the relocation of Revenue Commissioners from Sullivan's Quay. The requirement arose when the need was identified for the complete refurbishment of the existing Revenue offices at Sullivan's Quay to bring them into compliance with accommodation regulations. When it became clear that the likely cost of such a refurbishment, including temporary re-location of staff, would be prohibitive, it was agreed that acquisition of a new building, in exchange for the existing one, would provide a more cost-effective and timely solution.

The new purpose built offices in Blackpool were valued at the time at €39,136,000.00. OPW paid a monetary contribution of €19,136,000.00 and also provided the Sullivan's Quay Premises as part of the transaction. This represented exceptionally good value to the State.

Banned Substances

158. **Deputy Joe Costello** asked the Minister for Health and Children if she will reconsider her decision not to allow cannabis-based drugs to be used for the medical treatment of multiple sclerosis sufferers and other patients; if her attention has been drawn to the fact that such drugs are legally prescribed in other countries; if her further attention has been drawn to the fact that Irish citizens must live abroad to receive such medication; if she is satisfied that their rights as Irish citizens are protected; and if she will make a statement on the matter. [42398/10]

Minister for Health and Children (Deputy Mary Harney): Cannabis and cannabis based medicinal products are Schedule 1 controlled substances under the Misuse of Drugs Act 1977. They are considered as having no medicinal use and their manufacture, production, preparation, sale, supply, distribution and possession is unlawful except for the purposes of research.

I am aware that claims have been made in respect of the possible health benefits of cannabis based medicinal products for patients suffering from certain conditions. I am also aware that cannabis based medicinal products may be legally prescribed in other countries.

As cannabis is the drug which is most abused in Ireland, I am reluctant to loosen the controls on its use. However, my Department is currently seeking expert advice on whether or not there

is a need, from a clinical perspective, to amend the Misuse of Drugs legislation to allow for the use of cannabis based medicinal products.

Ambulance Service

159. **Deputy Michael Kennedy** asked the Minister for Health and Children if she will provide full details of the Health Service Executive ambulance service in Swords, including the number of ambulances in current use, the hours per day of their usage, the number of staff involved in the ambulance service; and if she will make a statement on the matter. [42401/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Services for People with Disabilities

160. **Deputy John Cregan** asked the Minister for Health and Children the entitlements, concessions or supports available to a person (details supplied); and if she will make a statement on the matter. [42414/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive for direct reply.

Health Service Staff

161. **Deputy Arthur Morgan** asked the Minister for Health and Children the number of advanced paramedics deployed full-time in the north east Health Service Executive region and in each of the past three years; the location to which each advanced paramedic was deployed; the projected numbers of advanced paramedics to be deployed in this region for each of the next three years; the number of training places available for training to advanced paramedic level for applicants in the north east region; the frequency with which advanced paramedics are deployed to patient transport that brings them out of the region and for approximately how long on average each time; the level of cover in place in the region on such occasions; and if she will make a statement on the matter. [42422/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Care of the Elderly

162. **Deputy Michael Ring** asked the Minister for Health and Children if the home help service in county Mayo will be privatised [42452/10]

163. **Deputy Michael Ring** asked the Minister for Health and Children if a court injunction has been taken by the unions against the Health Service Executive West in County Mayo in regard to the recent cutbacks in the home help service and, if a court injunction has been taken, if the hours will be restored to the home help providers until the court case is held. [42453/10]

164. **Deputy Michael Ring** asked the Minister for Health and Children if a court injunction has been taken by the unions against the Health Service Executive West in County Mayo in regard to the recent cutbacks in the home help service; if the injunction is in place, whether the other home help providers in County Mayo who have lost home help hours will be given back their home help hours until this matter is resolved; if the review of the home help service

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in the other parts of County Mayo is still ongoing; and if she will make a statement on the matter. [42454/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): I propose to take Questions Nos. 162 to 164, inclusive, together.

As this is a service matter it has been referred to the Health Service Executive for direct reply.

Hospital Services

165. **Deputy John O'Mahony** asked the Minister for Health and Children when a person (details supplied) in County Mayo will receive an appointment to have surgery; and if she will make a statement on the matter. [42460/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Services for People with Disabilities

166. **Deputy Jack Wall** asked the Minister for Health and Children when a person (details supplied) in County Kildare will receive an appointment for an assessment of need. [42463/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive for direct reply.

Health Services

167. **Deputy Róisín Shortall** asked the Minister for Health and Children the number of children on waiting lists for orthodontic assessment and for orthodontic treatment in Dublin North West; the steps taken by the Health Service Executive to reduce these waiting list; and when a person (details supplied) in Dublin 9 will receive orthodontic treatment. [42472/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Medical Cards

168. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding an application for a medical card in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [42480/10]

Minister for Health and Children (Deputy Mary Harney): As the Deputy's question relates to service matters it has been referred to the HSE for direct reply.

Medical Aids and Appliances

169. **Deputy Ciarán Lynch** asked the Minister for Health and Children when a prosthetic limb will be provided for a person (details supplied) who has completed the examination process; and if she will make a statement on the matter. [42497/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Recognition of Professional Qualifications

170. **Deputy Eamon Gilmore** asked the Minister for Health and Children if she will reconsider her decision not to permit an appeal in respect of a person (details supplied) against a decision not to recognise their qualifications under Directive 2005/36/EC; and if she will make a statement on the matter. [42499/10]

Minister for Health and Children (Deputy Mary Harney): Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications applies to all EEA nationals wishing to practise a regulated profession in an EEA Member State other than that in which they obtained their professional qualifications. Its intention is to make it easier for certain professionals to practise their professions in European countries other than their own but due safeguards are provided in the assessment of the qualification for public health and safety and consumer protection.

The Directive provides for member states to assess member state nationals with non-EEA qualifications under their own rules. The person whose details are supplied is an Irish national whose qualifications were not obtained in the EEA but she has been given the full benefit of the assessment regime of the Directive. For the purposes of the Directive, a regulated profession is defined as a professional activity access to which is subject, directly or indirectly, by virtue of legislative, regulatory or administrative provisions to the possession of specific professional qualifications. Where statutory registration does not exist for a profession in Ireland, non-Irish qualifications are assessed for their equivalence to the Irish entry-level qualifications required to work in the Health Service Executive. Pending the establishment of statutory registration under the Health and Social Care Professionals' Act, a health and social care professional with non-Irish qualifications is free to seek employment in the private sector without having their qualifications recognised.

Under Statutory Instruments Nos. 139 and 166 of 2008, which transpose the Directive into Irish law, the Minister for Health and Children is the Competent Authority for the profession in question. Under Regulation 23(1) of S.I. No. 139 of 2008, an applicant may appeal to the High Court any decision of a competent authority, or any failure of a competent authority to make a decision, in relation to an application by him within a period of 42 days from the date of communication of the decision. This was made clear to the person in question when a decision issued to her and the Minister has no role in such an appeal process.

The Department has put in place an administrative appeals process to facilitate applicants in avoiding the time and cost of a High Court Appeal. Such an administrative appeal must also be submitted within 42 days from the date of the decision being conveyed. Again this was indicated to the person in question when a decision issued to her. I do not intend to reconsider my decision not to allow an administrative appeal in relation to the decision on the application of the person in question as the appeal was sought well after the 42 day period for appeal. To disrespect this time frame would set an undesirable precedent, be unfair to applicants who respect the process and create administrative uncertainty in the Validation Unit of my Department where more than 1000 applications are processed annually.

Services for People with Disabilities

171. **Deputy Edward O'Keefe** asked the Minister for Health and Children if she will arrange for a person (details supplied) in County Cork to be assessed. [42500/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Infectious Diseases

172. **Deputy Terence Flanagan** asked the Minister for Health and Children if she will deal with a matter (details supplied); and if she will make a statement on the matter. [42506/10]

Minister for Health and Children (Deputy Mary Harney): Guidelines on the Prevention and Control of Tuberculosis in Ireland were published in April 2010 by the Health Service Executive on behalf of the National TB Advisory Committee. They recommend that all new entrants to Ireland who originate from a country with a high incidence of tuberculosis (= 40 TB cases per 100,000 population notified per year) and who will be spending at least three months in Ireland should be provided with an opportunity to be screened for Tuberculosis (TB). Screening is undertaken on a voluntary basis. The introduction of mandatory health screening is not being considered at this time. Healthcare professionals are advised to be vigilant for the symptoms of TB in persons from countries with high TB notification rates.

Adoption Services

173. **Deputy Olivia Mitchell** asked the Minister for Health and Children the position of parents seeking to adopt a child through one of the adoption agencies (details supplied) whose legal status now appears uncertain. [42537/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): Firstly I want to emphasise that the contention included in recent media coverage on this matter that adoption agencies, babies in hospital or in care and prospective adoptive parents will be “left in limbo” as a result of the Adoption Act 2010 is incorrect, nor is there any doubt about the legal status of agencies.

Accredited bodies — organisations delivering adoption services — must comply with the terms of the 2010 Act. This legislation ends the practice whereby a single adoption agency could provide the full range of adoption services, from pre-birth counselling to post birth placement with prospective parents. This was a very clear policy decision taken to avoid the obvious conflicts that could arise. This decision was communicated to the agencies involved on several occasions over the course of the past 12 months. Each agency needs to decide what services it wishes to deliver and apply to the Adoption Authority for accreditation.

The HSE already provides a wide range of adoption services and can if necessary take over cases if an agency decides not to deliver the particular service involved. I can assure the House that any hand-over that might arise will be handled sensitively and that no-one will be left without service, nor will anyone have to go back to the beginning of the process.

Medical Cards

174. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding renewal of a medical card in respect of a person (details supplied). [42538/10]

Minister for Health and Children (Deputy Mary Harney): As the Deputy’s question relates to service matters it has been referred to the HSE for direct reply.

Children in Care

175. **Deputy Fergus O’Dowd** asked the Minister for Health and Children, further to Parliamentary Question No. 157 of 11 May 2010, the position regarding a matter (details supplied); and if she will make a statement on the matter. [42541/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The work of the Independent Review Group on Child Deaths is ongoing. The HSE has transferred files regarding the deaths of children in care over the last ten years. I would expect that the case referred to by the Deputy will be included as part of the validated list to be supplied to the Review Group. The Group is not in a position to answer queries related to individual cases, however I understand that the Review Group has been in contact with the family of the individual concerned since the previous PQ and may do so again in the future.

Hospital Services

176. **Deputy Noel Ahern** asked the Minister for Health and Children the situation regarding the provision of MRI scans and if they are provided free as part of the general medical services to inpatients and outpatients; the number of MRI scans that took place in the past year or any recent year for which data is available; if she will provide details of the waiting list for MRI scans in each of the individual Dublin hospitals; if the National Treatment Purchase Fund is dealing with the backlog of MRI scans; if any innovative scheme such as part payment by the client has been considered in cases of severe waiting lists; and if she will make a statement on the matter. [42543/10]

Minister for Health and Children (Deputy Mary Harney): Under the current eligibility framework, there is no charge for MRI scans provided to public patients in public hospitals. However, the Minister has approved the application of charges to private patients receiving MRI services in approved public hospitals. The Health Service Executive is responsible for the management of patient data in relation to MRI scans and I have forwarded the Deputy's queries on this matter to the Executive.

The National Treatment Purchase Fund, by the end of 2010, will have facilitated over 13,000 MRIs and ultrasound diagnostic procedures since 2006. Hospitals refer patients to the Fund and this arrangement is aimed at those patients who have been waiting longest. The Fund's annual figures are set out in the table.

Year	Number
2006	1,928
2007	2,300
2008	3,098
2009	2,513
2010	3,500 (projection)
Total	13,339

Voluntary Sector Funding

177. **Deputy Shane McEntee** asked the Minister for Health and Children if the health service would be in a position to fund the support service (details supplied) and, if so, when funding will be available. [42552/10]

Minister for Health and Children (Deputy Mary Harney): Earlier this year I was happy to approve a grant of almost €172,000 from my Department's 2010 allocation of National Lottery funds to the organisation referred to by the Deputy. I agree that it is very important to ensure that appropriate counselling is available to all those that the organisation supports and both I and the HSE are anxious that all former patients of the consultant are made aware of the free counselling support that is available.

[Deputy Mary Harney.]

The HSE has made arrangements for counselling support, using the National Counselling Service, which provides individual, couple, family, group and psychosexual counselling. Persons affected by these issues, but who do not wish to avail of counselling can also speak with a psychologist or counsellor in confidence. The need for additional support will be continuously monitored by the HSE. The HSE has assigned co-ordinating responsibility for these matters to the Area Manager for Consumer Affairs in the North East who will continue to liaise as required with former patients and support groups.

Mental Health Services

178. **Deputy Thomas P. Broughan** asked the Minister for Health and Children if she will provide details of the provision of mental health services for 16 and 17 year olds in north Dublin; if she will enhance adolescent mental health services in this region given that there is just one six-bed unit available for the provision of mental health services for 16 and 17 year olds for a region stretching from north Dublin to Cavan and Monaghan; if her attention has been drawn to the fact that 16 and 17 year olds in need of specialist emergency psychiatric care are spending days in the emergency department of Beaumont Hospital because there are no other facilities available; and if she will make a statement on the matter. [42583/10]

191. **Deputy Terence Flanagan** asked the Minister for Health and Children the position regarding a matter (details supplied); and if she will make a statement on the matter. [42802/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): I propose to take Questions Nos. 178 and 191 together.

'A Vision for Change' — the Report of the Expert Group on Mental Health Policy — acknowledges gaps in the current provision of services for children and adolescents and makes several recommendations for the further improvement of such services. In these circumstances, I welcome the fact that the HSE has prioritised the development of mental health services for children and adolescents. In relation to the availability of dedicated in-patient beds for children and adolescents, the position is that during 2009 bed capacity almost doubled, bringing the total number of in-patient beds to 30. Capacity will further increase this year with the commissioning of two purpose built 20-bed units in Bessboro, Cork and Merlin Park, Galway, and plans are at an advanced stage for the development of a further 6 beds at St Vincent's, Fairview and 4 beds at Warrenstown.

In relation to the delivery of mental health services to 16-17 year olds, as this is a service matter, the question has been referred to the HSE for direct reply.

Medical Cards

179. **Deputy Joe Behan** asked the Minister for Health and Children the eligibility criteria for free medical care and medical card for citizens of the UK who have been ordinarily resident in Ireland for more than 25 years; and if she will make a statement on the matter. [42586/10]

Minister for Health and Children (Deputy Mary Harney): Under the Health Acts, eligibility for health services is based on residency and means. Determination of eligibility is the responsibility of the HSE. Any person, regardless of nationality, who is accepted by the HSE as being ordinarily resident in Ireland is entitled to either full eligibility (medical card holders) or limited eligibility for health services.

Regulation (EC) 883/2004 deals with the coordination of social security, including health care, for those moving within the European Union. Under its provisions, persons residing in Ireland who are attached to the social security system of another member state, are entitled to receive health care services in Ireland at the cost of that member state provided they are not subject to Irish social security legislation. Persons in this category are entitled to full eligibility and receive a medical card as evidence of their entitlement.

Health Services

180. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children further to Parliamentary Question No. 155 of 5 October 2010 concerning the denial of social assistance to migrant women facing domestic abuse and the Health Service Executive's reply, which indicated that repatriation would be an option, if she will guarantee that repatriation is only considered an option where it is the clear and expressed wish of the woman in question, that no subtle or direct pressure is applied on women to take this option rather than being given assistance, and that no woman suffering domestic abuse will ever be placed in the position of having to be repatriated because assistance has been denied for failure to meet the habitual residence condition. [42614/10]

Minister for Health and Children (Deputy Mary Harney): I wish to inform the Deputy that the issue of repatriation is dealt with by Repatriation Division, Irish Naturalisation and Immigration Service, Department of Justice and Law Reform and as such the deputy should direct his question to the Minister for Justice and Law Reform.

181. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a matter (details supplied). [42747/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

Departmental Bodies

182. **Deputy Lucinda Creighton** asked the Minister for Health and Children the differences in the roles of the National Social Work Qualifications Board and the Social Workers Registration Board; if she will outline any remuneration and expenses received by each member of both boards in the years 2007, 2008, 2009 and to date in 2010; and if she will make a statement on the matter. [42749/10]

Minister for Health and Children (Deputy Mary Harney): The National Social Work Qualifications Board (NSWQB) was established in 1997 under the Health (Corporate Bodies) Act 1961 and is the designated authority for the profession of social work in Ireland. As the Irish recognition authority for social work qualifications, the main functions of the NSWQB include the following:

- awarding the professional social work qualification in Ireland, the National Qualification in Social Work (NQSW), to persons who have successfully completed a recognised course;
- accrediting course that lead to the NQSW;
- accrediting holders of non-national qualifications who wish to work in Ireland as professional social workers, when candidates meet the criteria.

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The Health and Social Care Professionals Council (HSCPC) was established in March 2007 to implement the Health and Social Care Professional Act 2005. The Act provides for the establishment of a system of statutory registration for twelve health and social care professionals, including social workers, will apply to the twelve professions regardless of whether they work in the public or private sector or are self-employed and is the first time that fitness to practice procedures will be put in place for these professions on a statutory basis. The structure of the system of statutory registration will comprise a registration board for each of the professions to be registered, a Health and Social Care Professionals Council with overall responsibility for the regulatory system and a committee structure to deal with disciplinary matters.

The first registration board under the Council, the Social Workers Registration Board, has recently been established. Under the 2005 Act, the Social Workers Registration Board is charged with establishing statutory registration for all social workers. The object of the registration board of each designated profession in the 2005 Act is to protect the public by fostering high standards of professional conduct and professional education, training and competence among registrants of that profession. The functions of the registration board of a designated profession are to:

- establish and maintain a register of members of the designated profession;
- issue certificates of registration under section 41;
- give guidance to registrants concerning ethical conduct and give guidance and support to them concerning the practice of the designated profession and continuing professional development;
- monitor, in accordance with section 49, the continuing suitability of programmes approved by the board for the education and training of applicants for registration, and
- make recommendations under part 6 with respect to sanctions to be imposed on the designated profession.

The Health and Social Care Professionals Act 2005 provides for the subsuming of the National Social Work Qualifications Board into the Health and Social Care Professionals Council. The appointment of the Social Workers Registration Board will now allow for the dissolution of the National Social Work Qualifications Board in advance of the associated Social Workers Register opening to accept receipt of registrants in the profession in 2011.

With regard to the remuneration and expenses received by members of both boards, no such expenses have been paid to members of the Social Workers Registration Board. Information regarding the remuneration and expenses received by board members of the NSWQB is currently being collated and will be forwarded to the Deputy as soon as it is available.

183. **Deputy Lucinda Creighton** asked the Minister for Health and Children the role of the Poisons Council; the number of times she has met the council for advice in each of the years 2006 to date in 2010, inclusive; the remuneration or expenses awarded to members of the council in each of those years; and if she will make a statement on the matter. [42751/10]

Minister for Health and Children (Deputy Mary Harney): The role of Comhairle na Nimheanna (The Poisons Council) is to provide advice to me or my colleague, the Minister for Agriculture, Fisheries and Food, in relation to any Regulations made under the Poisons Act

and on any other matter in relation to poisons, their manufacture, storage, transport, distribution, sale or use.

The Council meets only as required and its last meeting was held on 11th March 2008 to discuss the making of the Poisons Regulations 2008. The Council does not employ staff and its members do not receive any remuneration. A total of €564.60 was paid in expenses to members who attended the last meeting. No other payments have been made during the years in question. I have not met with the Poisons Council during the years in question.

184. **Deputy Lucinda Creighton** asked the Minister for Health and Children the role of the Advisory Committee for Human Medicines; the number of times the committee has met in each of the years 2006 to date in 2010, inclusive; the remuneration or expenses awarded to committee members in each of those years; if she will outline any funding allocated to the committee in each of those years; and if she will make a statement on the matter. [42758/10]

Minister for Health and Children (Deputy Mary Harney): The Advisory Committee for Human Medicines (ACHM) assists and advises the Board of the Irish Medicines Board (IMB) in relation to any matters pertaining to public health or the safety, quality or efficacy of medicinal products for human use which may be referred to it by the Board. The Committee advises the Board on matters relating to the proposed refusal to grant a licence or authorisation in respect of a medicinal product or class of medicinal products, or the manufacture or wholesale of a medicinal product or class of medicinal products for human use, on any grounds relating to the safety, quality or efficacy of the product. The Committee also advises the staff of the IMB on matters of public health, safety, quality or efficacy, relating to medicinal products for human use which are referred to the Committee.

Members of the ACHM are not paid a salary for sitting on the Committee. No exchequer funding is allocated to the Committee. The number of times the Committee has met and the expenses paid to Committee members by the IMB out of its own resources is outlined in the table below.

	No. of meetings	Expenses
		€
2006	3	1,646
2007	5	3,133
2008	4	4,003
2009	3	3,295
2010	3 so far, 1 more to be held on November 25	3,469

185. **Deputy Lucinda Creighton** asked the Minister for Health and Children the role of the Advisory Committee for Veterinary Medicines; the number of times the committee has met in each of the years 2006 to date in 2010, inclusive; the remuneration or expenses awarded to committee members in each of those years; if she will outline any funding allocated to the committee in each of those years; and if she will make a statement on the matter. [42759/10]

Minister for Health and Children (Deputy Mary Harney): The Advisory Committee for Veterinary Medicines assists and advises the Board of the Irish Medicines Board (IMB) in relation to any matters pertaining to public health, safety, quality or efficacy of medicinal products for veterinary use which may be referred to it by the Board. The Committee advises the Board on matters relating to the proposed refusal to grant a licence or authorisation in respect of a

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medicinal product or class of medicinal products, or the manufacture of a medicinal product or class of medicinal products for veterinary use, on any ground relating to the safety, quality or efficacy of the product. The Committee also advises the staff of the IMB on matters of public health, safety, quality or efficacy relating to medicinal products for veterinary use which are referred to the Committee.

Members of the ACVM are not paid a salary for sitting on the Committee. No exchequer funding is allocated to the Committee. The number of times the Committee has met and the expenses paid to Committee members by the IMB out of its own resources is outlined in the following table.

	No. of meetings	Expenses
		€
2006	5	5,172
2007	4	3,027
2008	3	3,363
2009	3	913
2010	2 so far, 1 more to be held on November 24	1,237

186. **Deputy Lucinda Creighton** asked the Minister for Health and Children the role of the Children's Act Advisory Board; the remuneration or expenses awarded to board members in the years 2006 to date in 2010, inclusive; and if she will make a statement on the matter. [42760/10]

Minister of State at the Department of Health and Children (Deputy Barry Andrews): The Children Acts Advisory Board (CAAB) was established in 2007. Section 227 of the Children Act, 2001, as amended, sets out the functions of the Board, as follows:

- (a) on request advise the Ministers on policy issues relating to the co-ordinated delivery of services under this Act and the Act of 1991 (including residential accommodation and support services to children detained in children detention schools and special care units),
- (b) publish guidance on the qualifications, criteria for appointment, training and role of any guardian *ad litem* appointed for children in proceedings under the Act of 1991,
- (c) in consultation with the Health Service Executive, prepare and publish criteria for the admission to and discharge from special care units of children subject to special care and interim special care orders,
- (d) subject to subsection (6) of section 29 (as amended by section 3 of the Child Care (Amendment) Act 2007) of the Act of 1991, authorise in writing a class or classes of persons representing the Board to prepare reports referred to in, and for the purposes of, subsection (5) of that section 29,
- (e) give its views on any proposal of the Health Service Executive, pursuant to section 23A(2)(b) (inserted by section 16 of this Act), to apply for a special care order under Part IVA of the Act of 1991,

- (f) using published sources, report on the level and nature of residential accommodation and support services to children detained in children detention schools and special care units,
 - (g) promote enhanced inter-agency co-operation (including the sharing of information) under this Act and the Act of 1991,
 - (h) promote, organise or take part in meetings, seminars, conferences, lectures or demonstrations (whether in the State or elsewhere) in relation to its functions set out in paragraphs (a) to (g), and
 - (i) conduct or commission research, and collect, maintain, research and evaluate statistics and other data, relating to its functions set out in paragraphs (a) to (h).
2. The Act provides for a Board comprising 12 persons. I am advised that fees paid to board members in the period 2008 to date are as follows:

2008 — €54,000. Paid in respect of years 2007 & 2008 at the rate of €9,000 per annum per person for 3 board members.

2009 — €24,300. Paid in respect of year 2009 at the rate of €8,100 per annum per person for 3 board members.

2010 — €23,085. Paid in respect of year 2010 at the rate of €7,695 per annum per person for 3 board members.

Expenses paid to board members in the period 2007 to date are as follows:

2007 — €13,972.20;

2008 — €6,257.50;

2009 — €2,660.90;

2010 — €580.70.

In October 2008 a decision was made by Government to subsume the functions of the Children Acts Advisory Board (CAAB) into the Office of the Minister for Children and Youth Affairs. This is provided for under the Child Care (Amendment) Bill 2009 which recently passed Committee Stage in Dáil Eireann. The Bill is due to complete its passage through the Oireachtas shortly.

187. **Deputy Lucinda Creighton** asked the Minister for Health and Children the role of the Health Research Board; the expenses and remuneration awarded to each individual board member in the years 2006 to date in 2010, inclusive; and if she will make a statement on the matter. [42761/10]

Minister for Health and Children (Deputy Mary Harney): The Health Research Board (HRB) is a statutory body under the aegis of the Department of Health and Children with a mission:-

(a) to promote, assist, commission or conduct health research to improve health and increase the effectiveness of the health services;

(b) to maintain, develop or support health information systems for the purposes of research and to provide the evidence for health policy and services;

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(c) to liaise and cooperate with other research bodies in the State and outside the State in the promotion, commissioning or conduct of relevant research; and

(d) to liaise and cooperate with other information bodies in the State and where appropriate outside the State in the development and support of health information systems.

No fees or expenses were paid to any board member in 2006 or 2007. In 2008, four board members received fees of €13,875 (including arrears) and one member received €18,500 (including arrears). Expenses of approximately €225 were paid to one board member in 2008. In 2009, three members received fees of €8,400 and one member received €16,150 (including arrears). No expenses were paid to any member of the board in 2009. In 2010 (to date), three individual members have received fees of approximately €10,000, €6,500 and €3,500 respectively. One board member received expenses of €3,600 to date in 2010.

Medical Cards

188. **Deputy John McGuinness** asked the Minister for Health and Children if an application for a medical card will be expedited and approved in respect of a person (details supplied) in County Kilkenny. [42763/10]

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.

189. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the position regarding an application for a medical card in the case of a person (details supplied) in County Mayo; and if she will make a statement on the matter. [42766/10]

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.

Nursing Home Subventions

190. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when nursing home subvention will be awarded to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [42767/10]

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.

Question No. 191 answered with Question No. 178.

Health Services

192. **Deputy Ruairí Quinn** asked the Minister for Health and Children the number of beds contracted by the Health Service Executive for the purpose of long-term residential care; if she could provide a breakdown of these contract beds by type of long-term residential care; if she will provide a breakdown of fees paid to providers of residential care under this scheme; the average annual cost of a bed under this scheme; the average length of stay in each contract bed broken down by type of long-term residential care service; and if she will make a statement on the matter. [42808/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Mental Health Services

193. **Deputy Lucinda Creighton** asked the Minister for Health and Children the number of persons under 18 years in adult psychiatric units; and if she will make a statement on the matter. [42811/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As this is a service matter the question has been referred to the HSE for direct reply.

Nursing Homes Support Scheme

194. **Deputy Pat Breen** asked the Minister for Health and Children when an application will be processed in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [42820/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): As this is a service matter it has again been referred to the Health Service Executive for direct reply

Ambulance Service

195. **Deputy Margaret Conlon** asked the Minister for Health and Children if the ambulance base in Monaghan will have access to services at the new hospital that is currently under construction in Enniskillen, County Fermanagh; and if she will make a statement on the matter. [42857/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Hospital Services

196. **Deputy Margaret Conlon** asked the Minister for Health and Children if the Irish Government has made any financial contribution to the new radiotherapy unit in Altnagelvin Hospital, Derry; and if she will make a statement on the matter. [42858/10]

Minister for Health and Children (Deputy Mary Harney): The Business Case for the development of the Altnagelvin Centre has now been finalised and is under consideration by Minister McGimpsey. My Department and the HSE's National Cancer Control Programme have nominated representatives to the Cross Border Sub Group, the Project Board and the Service Design and Workforce Planning Subgroup for the development. I have committed to providing a capital contribution to the development, in recognition of the fact that approximately one third of the patients who will attend the Altnagelvin Centre will be from Donegal and the surrounding areas. In addition, the Health Service Executive's National Cancer Control Programme (NCCP) will contribute on an agreed basis to the operating costs in respect of patients from the Republic of Ireland who attend this service.

Health Services

197. **Deputy Edward O'Keeffe** asked the Minister for Health and Children if she will assist in a specific application in respect of a person (details supplied) in County Cork [42916/10]

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.

198. **Deputy Joanna Tuffy** asked the Minister for Health and Children the residential facilities available in County Meath for persons with traumatic brain injury; and if she will make a statement on the matter. [42928/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Medical Cards

199. **Deputy John McGuinness** asked the Minister for Health and Children if she will expedite approval of a medical card in respect of a person (details supplied) in County Kilkenny. [42936/10]

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.

200. **Deputy John McGuinness** asked the Minister for Health and Children if a medical card will be issued to a person (details supplied) in County Kilkenny. [42937/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Services

201. **Deputy John McGuinness** asked the Minister for Health and Children further to Parliamentary Question No. 271 of 6 July 2010, the reason an assessment in respect of a person (details supplied) in County Kilkenny was cancelled until 2011; if the assessment can be arranged earlier at another location in view of the urgency of the case; and if she will make a statement on the matter. [42942/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter, it has been referred to the HSE for direct reply.

Health Service Staff

202. **Deputy Michael Ring** asked the Minister for Health and Children her views on whether there is a health and safety issue for residents (details supplied) when no replacement was provided for a nurse in view of the fact that the residents live on an island. [42945/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

203. **Deputy Michael Ring** asked the Minister for Health and Children if a nurse (details supplied) who is currently on sick leave will be replaced. [42947/10]

Minister for Health and Children (Deputy Mary Harney): As this is a service matter it has been referred to the HSE for direct reply.

Nursing Homes Support Scheme

204. **Deputy Michael Creed** asked the Minister for Health and Children if she will clarify the State's obligation regarding the entitlement of citizens to private nursing home care; and if she will make a statement on the matter. [42957/10]

Minister of State at the Department of the Health and Children (Deputy Áine Brady): The Nursing Homes Support Scheme is a new system of financial support for people in need of long-term nursing home care. The scheme applies to both public and private nursing homes. In the case of private nursing homes, the scheme replaces the previous nursing home subvention scheme (although people who were in receipt of subvention prior to the introduction of the new scheme can choose to retain it or transfer to the new scheme).

Anyone who is ordinarily resident in the State and who has been assessed as needing long-term nursing home care is entitled to apply for financial support under the Nursing Homes Support Scheme.

The objectives of the scheme are to equalise the level of State support available for public and private nursing home care and to ensure that such care is affordable for all who need it.

Under the scheme, the level of financial support payable to each individual is calculated based on a standardised means test. Each person makes a contribution towards their care based on ability to pay and the State meets the full balance of the cost of care. A person can choose their nursing home and will make the same contribution towards their cost of care regardless of whether they enter a public or private nursing home.

The scheme is budget-capped. A dedicated subhead was established for the purposes of the scheme (subhead B12 in Vote 40 refers). This is managed centrally within the HSE and funding is allocated to qualifying individuals on a 'first come, first served' basis.

An additional €97 million was provided for the Nursing Homes Support Scheme in Budget 2010. The additional funding brings the total budget for long-term residential care in 2010 to €979 million. This is effectively the budget for the Nursing Homes Support Scheme albeit that transitional arrangements must also be facilitated from within the subhead, i.e. people in contract beds or people who choose to remain on subvention.

Nursing Homes Repayment Scheme

205. **Deputy David Stanton** asked the Minister for Health and Children further to Parliamentary Question No. 284 of 9 February 2010, the number of claims concluded and repayments issued respectively under the Health (Repayment Scheme) Act 2006 to date; the number of cases in which funds have been deposited into patient private property accounts and the amounts deposited respectively; and if she will make a statement on the matter. [43031/10]

Minister for Health and Children (Deputy Mary Harney): The Health Service Executive has responsibility for administering the Health Repayment Scheme in conjunction with the appointed scheme administrator KPMG accountants and McCann Fitzgerald solicitors.

A total of 35,406 claims have been received for the scheme. Just under 35,400 or 99.9 % of all claims have been concluded. To date nearly 19,500 repayments of charges to the value of €438m have been processed under the Scheme. This includes 4,515 repayments deposited to patient private property accounts valued at €116m. The remaining claims are being progressed currently and it is expected that these will be finalised very shortly.

206. **Deputy David Stanton** asked the Minister for Health and Children further to Parliamentary Question No. 41 of 11 February 2010, if moneys lodged to a patient's private property account can be accessed by the Health Service Executive for use for the benefit of that patient; if other representatives such as parents of the patient can apply for access to moneys in the patient's private property account to purchase equipment or health or other services for the patient; if so, the way this can be done; and if she will make a statement on the matter. [43032/10]

Minister for Health and Children (Deputy Mary Harney): Under the Health (Repayment Scheme) Act 2006, a relevant person or a connected person as defined in the Act was entitled to apply for a repayment under the scheme.

A relevant person is a person who was charged and paid recoverable health charges.

A connected person includes the following:

- (a) a person who has been nominated in writing by the relevant person
- (b) the Registrar of Wards of Court if the relevant person is a ward of court,
- (c) a person with an enduring power of attorney in respect of the relevant person,
- (d) a next friend appointed by a court,
- (e) the HSE if none of the aforementioned is applicable to the relevant person, and the relevant person is unable to make an application due to a physical or mental disability or ill-health,
- (f) a living spouse or living child of the relevant person who has paid recoverable health charges on behalf of the relevant person.

In regard to patients in the care of the HSE who were deemed by a medical practitioner not to have sufficient mental capacity to understand the scheme and for whom there was no other connected person as defined in the legislation, the HSE made application to the Scheme Administrator for a repayment on their behalf. As provided for in the legislation, all such payments made in respect of HSE applications were lodged to the patient's own private property account. The legislation also provides that an application may be made to a judge of the Circuit Court for the repayment to be made otherwise than to the patient's private property account.

Where monies have been lodged to a patient's private property account, the HSE ensures that this money is used only for the benefit of the patient. All funds held in a patient's private property account are the property of that patient and are retained for the exclusive use of the patient. The HSE is always happy to involve interested family members in the management of each patient's finances, so as to ensure that the patient's available funds are used to best effect in providing benefit to the patient concerned.

207. **Deputy David Stanton** asked the Minister for Health and Children further to Parliamentary Question No. 41 of 11 February 2010 regarding moneys lodged to a patient's private property account, if these moneys transfer to the patient's next of kin in the event of the death of a patient; if not, to whom any such moneys would transfer; and if she will make a statement on the matter. [43033/10]

Minister for Health and Children (Deputy Mary Harney): Funds of a deceased patient are passed to the patient's Legal Personal Representative for them to administer the estate of the deceased faithfully according to the law.

This question is addressed at length in the Patients Private Property Guidelines which sets out the procedures to be followed in operating these Patient Private Property accounts.

Health Services

208. **Deputy Olwyn Enright** asked the Minister for Health and Children the funding being provided to a person (details supplied) for both respite and day care services; the reason for

the reduction in this person's respite care; and if she will make a statement on the matter. [43049/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply.

209. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied) in Dublin 17. [43050/10]

Minister of State at the Department of Health and Children (Deputy John Moloney): As this is a service matter the question has been referred to the HSE for direct reply.

Penalty Points System

210. **Deputy Seymour Crawford** asked the Minister for Transport the progress, if any, that has been made with the Northern Ireland and UK authorities regarding the problems of speeding and other activities where penalty points should be applicable either north or south of the Border so as to minimise the risks of accident and death especially along the motorways; and if he will make a statement on the matter. [42827/10]

Minister for Transport (Deputy Noel Dempsey): Bilateral arrangements between the UK and Ireland, under Article 15.4 of the 1998 EU Convention on driving disqualifications, came into operation on 28th January 2010. These arrangements relate to disqualifications arising from a range of traffic offences. Now that the mutual recognition of driving disqualifications is in place, a project plan will be developed to pursue the mutual recognition of penalty points, between this country, Northern Ireland and the UK.

Unlike driving disqualifications, there is no agreed international framework dealing with the recognition of penalty points for driving offences and a very significant volume of work needs to be done to, among other things

- provide an appropriate framework of law and international agreement
- put in place the necessary administrative systems, involving the development, implementation and operation of computer systems; and
- overcome the practical difficulties arising from the differences in the penalty points systems in the UK and Ireland.

Officials from all three jurisdictions will continue to work towards next steps regarding this longer-term project.

However, as there is no mutual recognition of penalty points at present between Northern Ireland and the rest of the UK, there is a need to address the aggregation of such penalty points in the overall context of a move towards the mutual recognition of penalty points between the UK and Ireland.

National Car Test

211. **Deputy David Stanton** asked the Minister for Transport if he is satisfied the Road Safety Authority is taking all necessary action to address the ongoing problems with online booking and availability of test times in the national car test system; if he has received figures or updates from the Road Safety Authority in relation to the backlog of appointments or the average

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waiting times in different test centres across the country; and if he will make a statement on the matter. [42384/10]

Minister for Transport (Deputy Noel Dempsey): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) vehicle testing arrangements are matters for the Road Safety Authority (RSA). There is regular and ongoing contact between the Road Safety Authority and my Department in regard to the National Car Testing (NCT) Service. My Department receives reports from time to time in relation to the delivery and operation of the service. I understand that NCT has taken a number of steps to increase capacity to meet the substantial increase in demand in the early part of the year due to car owners wishing to become compliant early because of my introduction of penalty points last year for failure to display a valid NCT certificate. Additional staff have been employed, some test centres have increased opening hours to include evenings and weekends and two new test centres have opened in Carndonagh, Co Donegal and Greenhills in Tallaght. A new test centre is planned for Ballinasloe and the test centres at Arklow, Waterford and Portlaoise are being extended.

During the period November 1 to November 7 2010, 99% of those applying for a test received a date within 30 days. At this stage of the year any backlog has been cleared and NCT are encouraging car owners due a test in the early part of 2011 to come forward for test before year end.

The RSA continues to monitor the position regarding demand for car testing and testing arrangements and I am satisfied that the RSA is taking action as appropriate.

Transport Plans

212. **Deputy Joe Costello** asked the Minister for Transport if his attention has been drawn to the concerns of the Dundalk retailers association regarding the pedestrian, parking and transport plans for the town centre, if he will ensure that the DRA is consulted regarding the plans prior to any final decision being made; the amount of money involved in the project; and if he will make a statement on the matter. [42388/10]

Minister for Transport (Deputy Noel Dempsey): I take it that the Deputy is referring to issues raised by some retailers in the context of the bid submitted to my Department by Dundalk Town Council as part of the Smarter Travel Areas Competition. As no decision has yet been announced in relation to that competition it would not be appropriate for me to comment on any of the applications.

Taxi Regulations

213. **Deputy Seán Sherlock** asked the Minister for Transport if he will meet with a group (details supplied); and if he will make a statement on the matter. [42519/10]

Minister for Transport (Deputy Noel Dempsey): I am conscious of the challenges facing the taxi industry and, indeed, all sectors of society in the current difficult economic circumstances. However as the deputy will be aware the Commission for Taxi Regulation is the independent public body responsible for taxi regulation under the Taxi Regulation Act 2003, which includes the day-to-day regulation of the taxi industry. In the circumstances I do not consider that a meeting with the Irish Taxi Council is appropriate or necessary.

Departmental Bodies

214. **Deputy Lucinda Creighton** asked the Minister for Transport the number of times the Railway Safety Advisory Council has met in each of the years 2007, 2008, 2009 and to date in 2010; the role of the council in the aftermath of the Malahide viaduct collapse; the remuneration and expenses awarded to each board member in each of the years 2007, 2008, 2009 and to date in 2010; and if he will make a statement on the matter. [42750/10]

Minister for Transport (Deputy Noel Dempsey): The Railway Safety Advisory Council met once in the years 2007, 2008 and 2009. I expect the Council will meet shortly under its recently appointed Chairman, Mr. John Power, Director General, Engineers Ireland. The function of the Council, as set out in the Railway Safety Act 2005, is to consider issues relevant to railway safety and to make recommendations, as appropriate, to the Commission or to the Minister.

In accordance with the Financial Emergency Measures in the Public Interest (No.2) Act, 2009, the per diem fee payable to the Chair of RSAC is €712.50, subject to an annual limit of €9,262.50. No remuneration was paid to the Chairman or indeed any member of the Board in 2007, 2008, 2009 or to date in 2010. No expenses were paid in 2007, 2009 or to date in 2010. An amount of €415.83 in respect of the expenses of one member was paid in 2008.

Rail Network

215. **Deputy Thomas P. Broughan** asked the Minister for Transport the amount of money spent on the Limerick-Nenagh-Ballybrophy rail line on track renewal and improvements for each year over the past ten years; if a cost benefit analysis has been carried out in terms of the proposed closure of this critical line *vis-à-vis* the money that has been spent on improving the line over the past few years and in conjunction with an enhanced marketing campaign will clearly attract more passengers; and if he will make a statement on the matter. [42927/10]

Minister for Transport (Deputy Noel Dempsey): The Deputy will be aware that the approval of the National Transport Authority (NTA) is required before any Public Service Obligation (PSO) funded service, such as that on the Limerick — Nenagh — Ballybrophy line, can be discontinued. I am advised by the NTA that no such request has been received. The amount of money that is spent on individual rail lines including the Limerick-Nenagh-Ballybrophy rail line, in relation to track renewal and improvements as well as marketing campaigns is a matter for Iarnród Éireann. I have therefore asked the Company to compile and forward the information sought directly to the Deputy.

Airport Charges

216. **Deputy Bernard J. Durkan** asked the Minister for Transport the way the various charges applicable at the various airports throughout the country compare with each other and in comparison with neighbouring and EU jurisdictions; and if he will make a statement on the matter. [42978/10]

Minister for Transport (Deputy Noel Dempsey): As I have previously informed the Deputy, the Commission for Aviation Regulation (CAR) regulates airport charges levied at Dublin Airport. Airport charges at Cork and Shannon Airports are set by the relevant airport authority while charges at the six regional airports, which are owned and operated independently, are a matter for each airport concerned. In relation to comparative charges at other airports in Europe, I understand that a number of relevant benchmarking studies have been conducted or referenced by the Commission for Aviation Regulation (CAR). The most recent report, conducted by Indecon-Jacobs during the 2009 regulatory determination process, demonstrated that

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the operating costs per passenger at Dublin Airport were the second lowest of the sample of comparator airports in Europe in 2008.

Other reports have consistently demonstrated that charges at Dublin Airport are amongst the lowest of comparable airports in Europe. For example in 2008 Airports Council International, the representative body for Airports worldwide, identified Dublin as having the lowest airport charges among the top 20 airports in Europe and preliminary results for the 2009 survey show a similar position. Finally, the annual Airport Charges Monitor, published by the air transport consultancy RDC Aviation, which measures the top 50 airports in Europe, consistently shows that Dublin Airport is well below average with respect to airport charges. In the 2009 survey, Dublin is ranked 39th cheapest in terms of the level of airport charges for common short-haul aircraft operations. I understand from the DAA that charges at Cork and Shannon also compare favourably with European benchmarks.

Road Safety

217. **Deputy Bernard J. Durkan** asked the Minister for Transport the total budget set aside for road safety in each of the past three years and to date in 2010; his intentions in this regard for 2011; and if he will make a statement on the matter. [42982/10]

Minister for Transport (Deputy Noel Dempsey): The Revised Estimates Volume (REV) sets out the annual budget for all Departments. The following amounts, as published in the REV, were provided to road safety agencies (Road Safety Authority and the Medical Bureau of Road Safety) in recent years under Subhead B3 of the Transport Vote: 2007 — €37.035 million.

2008 — €44.152 million; 2009 — €37.198 million; 2010 — €33.303 million.

Local Authorities are also granted specific funds for low cost safety improvement schemes from my Department's Vote. For the years in question, the following amounts were provided for these schemes under Subhead B1: 2007 — €6.4 million; 2008 — €7.2 million; 2009 — €5.9 million; 2010 — €6.3 million. Indications are that all the relevant funding for 2010 will be drawn down by the end of the year.

In addition, the National Roads Authority (NRA) also allocates funding to low cost remedial safety improvements and high cost safety improvements. Under Section 17 of the Roads Act 1993, the responsibility for dispersal of these funds rests with the NRA and they do not report specifically on such expenditure. The road safety budget for next year will be considered as part of the Estimates process for 2011.

Penalty Points System

218. **Deputy Bernard J. Durkan** asked the Minister for Transport the total number of drivers who currently have penalty points; the number of drivers who have had to re-sit driving tests arising from application of the maximum number of penalty points; and if he will make a statement on the matter. [42984/10]

Minister for Transport (Deputy Noel Dempsey): The records of my Department's National Vehicle and Driver File (NVDF) indicate that 683,261 drivers currently have penalty points. Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) responsibility for the driver testing function lies with the Road Safety Authority.

Departmental Expenditure

219. **Deputy Bernard J. Durkan** asked the Minister for Transport the extent to which the

capital programme for his Department is likely to be used to generate economic activity with particular reference to the current climate; and if he will make a statement on the matter. [42985/10]

Minister for Transport (Deputy Noel Dempsey): It is widely recognised that investment in transport infrastructure projects contributes to our economic growth. All transport projects are subject to cost benefit analyses, which must clearly demonstrate the returns and value for money of the investment. The Review of Infrastructure Investment Priorities for the years 2010-2016, which was published by the Department of Finance in July 2010, acknowledges the importance of further targeted investment in transport, stating that it has the potential to unlock productive capacity in the economy and enhance national competitiveness.

Estimates of the labour intensity of investment in transport infrastructure across the public transport and roads sectors are in the range of eight to twelve jobs created per €1 million invested. Having regard to the above, transport investment is targeted in the Capital Review published in July to continue to be the largest capital programme in the years up to 2016.

Road Safety

220. **Deputy Bernard J. Durkan** asked the Minister for Transport if he will indicate, on a county basis, the number of accident blackspots at which five or more fatalities have occurred in the past 20 years. [42986/10]

Minister for Transport (Deputy Noel Dempsey): Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) responsibility for the collection of structured information on road collisions lies with the Road Safety Authority. Road fatalities and road collision statistics are available on the Road Safety Authority's website www.RSA.ie.

221. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform further to Parliamentary Question No. 50 of 28 October 2010, where the extra 22 intoxilyzers will be placed on a county basis; and if he will make a statement on the matter. [42562/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that an additional 22 intoxilyser devices have been requested from the Medical Bureau of Road Safety for installation in the following Garda Divisions:

Division	No. of Intoxilyzers
DMR West	2
DMR North	1
Laois/Offaly	1
Meath	1
Kildare	3
Clare	1
Cork City	1
Kerry	1
Cork North	1
Sligo/Leitrim	2
Donegal	1
Cavan/Monaghan	2
Wexford	2
Tipperary	3

222. **Deputy Thomas P. Broughan** asked the Minister for Justice and Law Reform further to Parliamentary Question No. 50 of 28 October 2010, 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. [42926/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that training is provided on an ongoing basis by the Director of Training through the continuous professional developments schools in every Garda Division. This includes training for members of An Garda Síochána as operators of the equipment used for evidential breath testing. The length of this training is kept under review and is currently of half a day's duration.

Asylum Applications

223. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice and Law Reform the reason a person (details supplied) in Dublin 12 has not heard from the Department in more than three years on an application; the reason for the delay in assessing their application and the failure to keep them abreast of the process. [42436/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 20 June 2007, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection through his legal representative. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3 (6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I would advise the Deputy that it is practice in my Department, where a legal representative is on record, to correspond with that legal representative and not the person concerned, unless correspondence is received directly from that person. I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Citizenship Applications

224. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice and Law Reform the reason for the delay in granting citizenship to a person (details supplied) in Dublin 12; the reason citizenship was refused in a previous application and the further reason they have not heard anything since they have applied in 2007. [42437/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): At the outset, I should point out that the legislation governing naturalisation does not provide an inherent right to any applicant to a grant of naturalisation on foot of their application. In December 2006, the person concerned was advised by letter — which also set out the reasons — that his application for naturalisation was not successful. In December 2007, a fresh application was received from him.

The application is currently being processed in the normal way with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision in due course. I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Visa Applications

225. **Deputy Phil Hogan** asked the Minister for Justice and Law Reform when an application for a stamp 4 visa will be processed in respect of a person (details supplied) in County Carlow; and if he will make a statement on the matter. [42445/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I wish to inform the Deputy that the person concerned applied for permission to reside in the State based on his parentage of an Irish born child. This application was refused because he was not resident in the State at the time of his application.

The person concerned subsequently entered the State in September 2008 and was granted permission to remain for 90 days on Stamp 3 conditions, as a spousal dependant, up to 14 December 2008. He sought an extension of this permission in November 2008 and again in January 2009 and was requested to provide documentation regarding his finances and future intentions in the State. Some documentation was supplied by the person concerned in January 2010 but was insufficient to prove his ongoing residence in the State and further documents were requested in April 2010. To date the person concerned has not responded to this request and I would advise that he do so as soon as possible given that he is currently in the State without permission.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Residency Permits

226. **Deputy Jackie Healy-Rae** asked the Minister for Justice and Law Reform the reason Irish citizens in a proven relationship with a non-EU citizen have to pay a fee to remain in the State under the *de facto* relationship clause, however, if an EU citizen from any country within the EU zone applied for permission to remain in Ireland under the *de facto* relationship clause the fee is waived; his plans to correct this anomaly as it is discriminates against Irish citizens; and if he will make a statement on the matter. [42447/10]

227. **Deputy Jackie Healy-Rae** asked the Minister for Justice and Law Reform if he will add non-married *de facto* partners of Irish citizens to the wavier list SI 336 of 2008 on EU treaty rights; and if he will make a statement on the matter. [42448/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I propose to take Questions Nos. 226 and 227 together.

The Immigration Act, 2004 (Registration Certificate Fee) Regulations 2008, SI 336 of 2008, sets out the fee payable for obtaining a certificate of registration under the Immigration Act, 2004 and the categories of persons for whom no fee is applicable.

The fee charged and the categories of persons for whom no fee is applicable are being reviewed at the present time and I have noted the matters raised in the Deputy's questions in this regard.

Citizenship Applications

228. **Deputy Terence Flanagan** asked the Minister for Justice and Law Reform if he will deal with a matter (details supplied); and if he will make a statement on the matter. [42456/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in September 2008.

All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria. Officials in the Citizenship Division inform me that processing of the application is ongoing and the file will be submitted to me for a decision in due course. If her application for a certificate of naturalisation is successful then the person concerned can apply for an Irish passport.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Courts Service

229. **Deputy David Stanton** asked the Minister for Justice and Law Reform the way in which the Courts Service is accountable to the Minister and the Oireachtas; and if he will make a statement on the matter. [42466/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The accountability structures and responsibilities of the Courts Service are set out in detail in the Courts Service Act 1998.

As the Deputy will be aware, the Courts Service operates under its own Vote — Vote 22 — for which the Chief Executive Officer of the Service is the Accounting Officer. The Vote, in common with all other votes in relation to State authorities, is approved annually by this House. The functions and responsibilities of the Chief Executive Officer, which include attendance before an Oireachtas Committee, are laid out in the Courts Service Act 1998.

Tax Collection

230. **Deputy Mary Upton** asked the Minister for Justice and Law Reform the action he has taken to ensure that taxation from gambling, in particular the potential taxation from online gambling, is captured; and if he will make a statement on the matter. [42474/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): As the Deputy is aware, the objective of the review of gambling being undertaken by me is to provide Government with options for a new and comprehensive legal and organisational framework governing the gambling architecture in the State. As I have said before, we must first achieve a policy in relation to a new gambling architecture that is capable of winning broad spectrum agreement. It is when this goal is achieved that we will be in a position to address the matter of legislative change, with some degree of confidence.

I am now considering a report from my officials on a proposed policy for the better regulation of gambling. Following consideration of the report by me I will make the necessary arrangements to bring it before the Government. Pending a decision on the matter by the Government, I do not intend to make any further comment on the substance of the document under consideration.

On the specific matter of taxation, may I say that while taxation did not form part of the review, it is my personal view that gambling should be subject to taxation. The Deputy will be aware, however, that taxation — where it is applied and at what rate — is a matter for my colleague the Minister for Finance who will, I am sure, pursue that issue as part of any new regulatory framework adopted for gambling in general and on-line gambling in particular.

State Airports

231. **Deputy Thomas Byrne** asked the Minister for Justice and Law Reform the reasons for refusing entry at Dublin Airport to a person (details supplied). [42481/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): Section 4 of the Immigration Act, 2004, empowers an immigration officer, on behalf of the Minister, to authorise a non-national to land or be in the State. Sub-section (3) of Section 4 sets out the various circumstances which an immigration officer may have regard to in refusing to give such authorisation. These circumstances, any one of which may give rise to a permission to land being refused, include:

- (a) that the non-national is not in a position to support himself or herself
- (b) that the non-national intends to take up employment in the State, but is not in possession of a valid employment permit;
- (k) that there is reason to believe that the non-national intends to enter the State for purposes other than those expressed by the non-national.

Furthermore, in performing his/her functions under the Immigration Act, 2004, an immigration officer is obliged, pursuant to the provisions of section 4(10) of the said Act, to have regard to all the circumstances of the non-national concerned known to the officer or represented to the officer by him/her and, in particular, to matters including the following :

- (a) the stated purpose of the proposed visit to the State;
- (b) the intended duration of the stay in the State;

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- (c) any family relationships (whether of blood or through marriage) of him or her with persons in the State;
- (d) his or her income, earning capacity and other financial resources
- (e) the financial needs, obligations and responsibilities which he or she is likely to have in the foreseeable future
- (f) whether he or she is likely to comply with any proposed conditions as to duration of stay and engagement in employment, business or profession in the State;

On arrival in the State on 1 October 2010, the person referred to was obliged to present at the immigration control facility at the port of entry for the purpose of making an application to land in the State. In the course of the examination of the person concerned, the immigration officer to whom the person presented established that he had first arrived in Ireland on 14 August 2006, at which time he was granted permission to remain in the State until 23 September 2006. However, in the course of conversation with the person, the immigration officer established that the said non-national remained in the State unlawfully for over one year, until at least the end of 2007, during which time he engaged in employment, without having permission to do so. The Immigration Officer also spoke to a brother of the person, who confirmed this information.

As a result of information ascertained during the above mentioned process, the Immigration Officer refused the person's application for permission to enter the State, on the basis that circumstances set out at section 4 (3)(k) of the Act of 2004 existed. The person was informed, in writing, of the grounds for the decision to refuse to grant them permission to land in the State.

Residency Permits

232. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding residency in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [42487/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The person concerned arrived in the State on 13 September 2002 and applied for asylum on 16 September 2002. The Refugee Applications Commissioner refused him a declaration of refugee status. This decision was subsequently upheld by the Refugee Appeals Tribunal. A Deportation Order was made in respect of him on 11 May 2005.

The person concerned instituted Judicial Review proceedings on 18 April 2005 challenging the Deportation Order made in respect of him and accordingly, as the matter is sub judice, I do not propose to comment further.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Deportation Orders

233. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position

regarding residency status in the case of a person (details supplied) in County Monaghan; and if he will make a statement on the matter. [42488/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my detailed Reply to Parliamentary Question No. 352 of Tuesday, 18 October 2010, in this matter. The position in the State of the person concerned is as set out in that Reply.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Prisoner Transfers

234. **Deputy Eamon Gilmore** asked the Minister for Justice and Law Reform the arrangement for the transfer of a prisoner between Britain and Ireland who has been made subject of orders under mental health legislation in either jurisdiction; and if he will make a statement on the matter. [42489/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The Council of Europe 1983 Convention on the Transfer of Sentenced Persons provides a mechanism whereby prisoners sentenced in the United Kingdom may be returned to Ireland in order to serve their sentences. The Transfer of Sentenced Persons Acts 1995 and 1997 provide a legislative basis for this Convention in Ireland. Under the Acts, a sentence is defined as any punishment or measure involving a deprivation of liberty ordered by a court or tribunal for a limited or unlimited period of time on account of the commission of an offence. A sentenced person is defined as anyone on whom a sentence has been imposed in the territory of a Convention state. Each transfer is subject to the consent of both states and the individual concerned. There is no obligation on any state to agree to a transfer.

Without a specific case to refer to, it is difficult to comment on the transfer of prisoners suffering from mental illness. Cases of this nature would require individual assessment. However, the Criminal Law (Insanity) Act, 2006 and in particular section 15, provides a mechanism whereby a prisoner suffering from a mental illness can be transferred from a prison in this state to a designated centre under the Act. Currently the only designated centre is the Central Mental Hospital at Dundrum in Dublin. The Act provides that a transfer can be made following an assessment by a registered medical practitioner or approved medical officer with the agreement of the prisoner. Where the prisoner does not agree to be transferred, the transfer may still proceed where two medical practitioners or approved medical officers are of the view it is in the best interests of the individual in question.

Citizenship Applications

235. **Deputy Pat Breen** asked the Minister for Justice and Law Reform the position regarding an application in respect of a person (details supplied); and if he will make a statement on the matter. [42511/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the person concerned made an application for Family Reunification in September 2009.

[Deputy Dermot Ahern.]

The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. This investigation is completed and the Commissioner has forwarded a report to INIS.

This application will be considered by INIS and a decision will issue in due course. Applications are currently taking approximately 19 months to process.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

236. **Deputy Pat Breen** asked the Minister for Justice and Law Reform the position regarding an application in respect of a person (details supplied); and if he will make a statement on the matter. [42512/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in September 2007.

All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria. Officials in the Citizenship Division inform me that processing of the application is ongoing and the file will be submitted to me for a decision in due course.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Garda Vetting Services

237. **Deputy Jack Wall** asked the Minister for Justice and Law Reform further to Parliamentary Question No. 351 of 27 October 2010, the position regarding the application (details supplied); and if he will make a statement on the matter. [42556/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): An application for vetting in respect of the person to whom the Deputy refers has been received by the Garda Central Vetting Unit and is in the course of being processed. A response will issue to the registered organisation in due course.

Proposed Legislation

238. **Deputy Leo Varadkar** asked the Minister for Justice and Law Reform his plans, if any, to introduce a single whistleblowers Bill as proposed by bodies (details supplied); and if he will make a statement on the matter. [42558/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I have responsibility for two Bills currently before the Houses, the Property Services (Regulation) Bill 2009 and the Prevention of Corruption (Amendment) Bill, which contain whistleblower protections.

Given the broad spectrum of areas where whistleblowing could arise, it is not an issue that could easily be effectively addressed by any one Department or piece of legislation. Nevertheless, it has been suggested by a number of parties that a single, all-encompassing whistleblower provision might be the best way to proceed. When the matter was considered by Government some years ago legal obstacles were identified to the provision of a single statute which would be effective in the variety of circumstances in which it was to apply. The Government did not want to introduce whistleblower protection, which, if tested in the courts, might be found wanting. What is needed are solutions that will work well in the particular circumstances of each case. That is ultimately why, on balance, it became clear that a sectoral approach to the issue would be more effective and practical. Ministers in the course of preparation of Bills are required to include whistleblowing provisions, as appropriate, having regard to the nature, purpose and scope of the proposed legislation in question.

The number and range of whistleblower protection provisions introduced in the past number of years is a clear indication of the Government's commitment to this issue. These include the Protections for Persons Reporting Child Abuse Act 1998, the Competition Act 2002, the Safety Health and Welfare at Work Act 2005, the Garda Síochána Act 2005, the Employment Permits Act 2006, the Health Act 2007, the Communications Regulation (Amendment) Act 2007, the Consumer Protection Act 2007, the Medical Practitioners Act 2007, the Chemicals Act 2008, the Labour Services (Amendment) Act 2009, the National Asset Management Agency Act 2009, the Charities Act 2009, and the Inland Fisheries Act 2010. In addition a number of Bills currently in preparation contain whistleblower protections Employment Agency Regulation Bill 2009, the Employment Law Compliance Bill 2008, and the Local Government (Mayor and Regional Authority of Dublin) Bill 2010.

Towing Services

239. **Deputy Noel Ahern** asked the Minister for Justice and Law Reform the position regarding contracts entered into by the gardaí with towing operators with or without car park compounds; if draft guidance documents are provided by his Department to assist with such contracts; his views on cases where persons co-operated with gardaí and allowed their cars to be taken away for forensic examination being charged storage charges as they did not collect their car rapidly when so advised; and if he will make a statement on the matter. [42566/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The making of arrangements for the provision of towing services to An Garda Síochána is a matter for the Garda Commissioner. I am advised by the Garda authorities that a decision has been taken to outsource the management of towing services in each Garda Division, following a successful pilot project. This process is ongoing and a number of contracts are currently in place. These contracts provide for the management of the overall service, including recovery, storage, disposal and receipt of payment of fees.

I am further informed by the Garda authorities that they provide a detailed guidance document for towing contractors.

Residency Permits

240. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for residency in the case of a person (details supplied) in County Mayo; and if he will make a statement on the matter. [42776/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my reply to Parliamentary Question No. 1067 of 29 September 2010. I expect a decision to issue to the person concerned in the near future

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Child Sex Abuse

241. **Deputy Seán Sherlock** asked the Minister for Justice and Law Reform when a report (details supplied) will be published; and if he will make a statement on the matter. [42779/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): On 26 October 2010, following a request from the Commission of Investigation examining the handling of complaints, allegations and suspicions of child sex abuse by clergy under the aegis of the Diocese of Cloyne, the Government extended the Commission's term to 31 December, 2010 in order to enable it to complete its work.

Road Traffic Offences

242. **Deputy Tom Hayes** asked the Minister for Justice and Law Reform the number of fixed charge notices that have been made in relation to lorries and trucks travelling at more than 80 kilometres an hour each year since 2004; and if he will make a statement on the matter. [42794/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I have requested a report from the Garda authorities in relation to the matter referred to by the Deputy. I will contact the Deputy again when the report is to hand.

Community Service Orders

243. **Deputy Paul Connaughton** asked the Minister for Justice and Law Reform his views on whether community service orders may be a better way of punishing offenders and if he has given consideration to a system of collection of fines from social welfare or from other earnings applicable; and if he will make a statement on the matter. [42796/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am of the view that there is scope for greater use of community service orders in relatively minor cases. To that end, a proposal to draft a Criminal Justice (Community Service) (Amendment) Bill was approved by Government on 9 November. An amendment to existing legislation will require courts to consider imposing a community service order in any case where they had envisaged imposing a prison sentence of 6 months or less.

Also, when section 18 of the Fines Act 2010 has been commenced it will be possible for the court to impose a community service order on a person who defaults on payment of a fine, rather than sending the defaulter to prison. The Act does not include provision for attachment

of earnings or social welfare payments. However, when section 15 of the Act is commenced it will allow a person on whom a fine has been imposed to make an application to the court to pay by instalments. It will be possible for the court to direct that the fine be paid over a period of 12 months, and exceptionally, over a two year period.

I would like to see how these arrangements operate in practice before considering other measures for the recovery of fines.

Liquor Licensing Laws

244. **Deputy Paul Connaughton** asked the Minister for Justice and Law Reform if he has powers under the provision of the 2008 Intoxicating Liquors Act to bring charges before the courts, if there is below cost selling of intoxicating liquor by some supermarkets and multiples; if so, has there been any breaches of the law in so far as court judgements are concerned; and if he will make a statement on the matter. [42797/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): Enforcement of the Licensing Acts 1833 to 2010, including the Intoxicating Liquor Act 2008, is a matter for the Garda. As regards below-cost selling of intoxicating liquor, the position is that the Minister for Enterprise, Trade and Employment revoked the Restrictive Practices (Groceries) Order 1987 in March 2006, thereby removing price controls from alcohol products. However, in March 2009, the Government agreed to include alcohol in the National Substance Misuse Strategy and a Steering Group was subsequently established under the aegis of the Departments of Health and Children and Community, Equality and Gaeltacht Affairs to develop proposals for integrating alcohol misuse into that Strategy.

I understand that the Steering Group has been examining a range of issues relating to alcohol policy, including pricing, and is due to submit its report, including policy recommendations, by the end of the year.

Immigration Service

245. **Deputy Lucinda Creighton** asked the Minister for Justice and Law Reform the number of persons refused leave to land at various entry points; the specific number at each entry point; the reasons leave to land was refused in each case; the ages and nationalities of the persons refused; the countries they were returned to; if persons refused were given access to a translator and legal advice; and if he will make a statement on the matter. [42810/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): Section 4 of the Immigration Act, 2004, empowers an immigration officer, on behalf of the Minister, to authorise a non-national to land or be in the State. Sub-section (3) of Section 4 sets out the various circumstances which an immigration officer may have regard to in refusing to give such authorisation.

The table below sets out the number of persons refused permission to land in the State between January and September 2010 at various points of entry:

Location	Number refused
Dublin airport	1,512
Dundalk	428
Dublin port	124
Cork airport	88
Rosslare Port	65
Shannon airport	42

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Location	Number refused
Dún Laoghaire	31
Kerry	12
Knock	10
Cork Port	5
Galway airport	2
Monaghan	2
Border with Northern Ireland	2
Sligo airport	1
Limerick	1
Donegal airport	1
Other	23
Total	2,349

A further breakdown of these figures by gender and age is not available and would necessitate a disproportionate expenditure of Garda time and resources to obtain.

The following table shows the number of persons refused permission and the reason for such refusal, as set out in sub section 3 of section 4 of the Immigration Act, 2004:

Subsection	Reason for refusal	Number of refusals
a	That the non-national is not in a position to support himself or herself and any accompanying dependants.	216
b	That the non-national intends to take up employment in the State, but is not in possession of a valid employment permit (within the meaning of the Employment Permits Act 2003).	78
c	that the non-national suffers from a condition set out in the First Schedule;	0
d	That the non-national has been convicted (whether in the State or elsewhere) of an offence that may be punished under the law of the place of conviction by imprisonment for a period of one year or by a more severe penalty.	6
e	That the non-national, not being exempt, by virtue of an order under Section 17, from the requirement to have an Irish visa, is not the holder of a valid Irish visa	715
f	That the non-national is the subject of — (i) a deportation order (within the meaning of the Act of 1999) or (ii) an exclusion order (within the meaning of that Act), or (iii) a determination by the Minister that it is conducive to the public.	30
g	That the non-national is not in possession of a valid passport or other equivalent document, issued by or on behalf of an authority recognised by the Government, which establishes his or her identity and nationality	715
h	That the non-national — (i) intends to travel (whether immediately or not) to Great Britain or Northern Ireland, and (ii) would not qualify for admission to Great Britain or Northern Ireland if he or she arrived there from a place other than the	235
i	That the non-national, having arrived in the State in the course of employment as a seaman, has remained in the State without the leave of an immigration officer after the departure of the ship in which he or she so arrived	1
j	That the non-national's entry into, or presence in, the State could pose a threat to national security or be contrary to public policy	35
k	That there is reason to believe that the non-national intends to enter the State for purposes other than those expressed by the non-national.	874

*NB a person may be refused for more than one ground, therefore the figures will not necessarily be identical.

The following table shows a breakdown of the age groups of persons refused, where such information has been determined, to date in 2010 (30th September, 2010):

Age Group	Number
18-19	75
20-29	974
30-39	743
40-49	299
50-59	90
60-69	38
70-79	1
80-89	2

The following table provides a breakdown, by nationality of the number of persons refused permission to enter the State in 2010, to 30th September, 2010:

Nationality	No.	Nationality	No.	Nationality	No.
Afghan	80	Hong Kong	4	Peruvian	1
Albanian	20	Indian	69	Philippine	36
Algerian	11	Indonesian	1	Qatar	4
American	81	Iranian	18	Russian	13
Angolan	10	Iraqi	22	Rwandan	4
Argentinian	8	Israeli	10	Saudi Arabian	14
Australian	8	Ivorian	2	Senegalese	1
Azerbaijani	1	Jamaican	2	Serbian	1
Bangladeshi	16	Japanese	8	Seychellois/Seychelloise	2
Belarusian	3	Jordanian	5	Sierra Leonean	7
Bolivian	101	Kenyan	6	Singaporean	1
Botswanian	4	Kosovar	1	Somali	33
Brazilian	270	Kurdish	1	South African	109
British Overseas	9	Kuwaiti	3	South Korean	4
Burkinabe	1	Lebanese	7	Sri Lankan	5
Burundian	2	Lesotho	1	St. Lucian	1
Cameroon	22	Liberian	4		
Canadian	17	Libyan	4	Sudanese	24
Cape Verdean	1	Macao	1	Swazi	2
Chilean	5	Macedonian	2	Taiwanese	2
Chinese	288	Malawian	28	Tanzanian	2
Colombian	10	Malaysian	90	Thai	8
Congolese	14	Mauritanian	3	Timor-Leste	1
Croatian	17	Mauritian	19	Togolese	3
Cuban	3	Mexican	12	Tunisian	1
Democratic Republic of Congo	3	Moldovan	20	Turkish	20
Ecuadorean	6	Monaco	1	Ugandan	5
Egyptian	46	Mongolian	2	Ukrainian	32
Equatorial Guinean	1	Moroccan	13	United Arab Emirate	2
Eritrean	9	Myanmar	1		

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Nationality	No.	Nationality	No.	Nationality	No.
Ethiopian	5	Nepalese	18	Venezuelan	9
Gabonese	1	New Zealander	11	Vietnamese	4
Gambian	2	Nigerien (Niger)	3	Yemenese	3
Georgian	7	Nigerian	156	Zairean	1
Ghanaian	14			Zambian	1
Guatemalan	2	Pakistani	59	Zimbabwean	43
Guinean	4	Palestinian	9		
Guyanian	4	Panamanian	1		

Information regarding persons refused leave to land, including nationality and age, might not be established at the time of arrival in the State, particularly in circumstances where the passport or identification card produced to an immigration officer is discovered to be bogus. The information provided above relates only to circumstances where the immigration officer concerned was satisfied he/she was in a position to establish the nationality and/or age of the person refused leave to land.

In circumstances where consideration is being given to refusing an application made by a non-national for ‘a permission’ to enter the State and the non-national is not proficient in the English language, the services of a translator are frequently employed. Where a person being refused leave to land makes a request to make contact with a legal advisor, the opportunity to do so is provided.

In accordance with the provisions of Immigration Act, 2004, every refused person is served a notice in which the reason or reasons for refusing an application for a permission to enter the State, is detailed.

Irish Prison Service

246. **Deputy Lucinda Creighton** asked the Minister for Justice and Law Reform the total prison population; the number of prisoners on temporary release; and if he will make a statement on the matter. [42812/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I wish to inform the Deputy that the total number of prisoners in custody on 15 November 2010 was 4,416. The number of prisoners on temporary release for that day was 660.

The Deputy will appreciate the Irish Prison Service must accept all prisoners committed by the Courts. There has been a consistent increase in the total prisoner population over recent years. This situation is particularly apparent over the past 12 months during which time the total number in custody has increased by 435. This represents an 11 % rise in the number in custody.

Temporary release arrangements can operate similarly to a system of parole, which is a feature of prison system worldwide. They are an important vehicle for reintegrating an offender back into the community in a planned way. The generally accepted view is that the risk to the community is reduced by planned re-integration of offenders compared with their return to the community on completion of their full sentence. The Irish Prison Service has also judiciously used temporary release as a means of reducing numbers in times of serious overcrowding.

Each case is examined on its own merits and the safety of the public is paramount when decisions are made. In addition, all releases are subject to conditions, which in the vast majority of cases include a requirement to report on a regular basis to the offender’s Garda Station. Of

course, any offender who breaches his or her conditions may be arrested and returned to prison immediately by the Garda.

247. **Deputy Lucinda Creighton** asked the Minister for Justice and Law Reform the number of complaints and reports relating to rodents, insects and other pests in all prisons here; and if he will make a statement on the matter. [42813/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I can advise the Deputy that the number of complaints and reports relating to rodents, insects and other pests received are set out in the following table:

Prisons	Complaints/Reports from 2009 to date
Arbour Hill	Nil
Castlerea	Nil
Cloverhill	Nil
Cork	Nil
Dóchas	Nil
Limerick	3 Reports
Loughan House	Nil
Midlands	Nil
Mountjoy	Nil
Portlaoise	Nil
Shelton Abbey	1 Reports
St Patrick's Institution	7 Reports
Training Unit	Nil
Wheatfield	Nil

I am informed by the Irish Prison Service that service contracts for pest control are in place in all prisons. The terms of these contracts are that all prisons are visited on eight occasions during the year and bait boxes are inspected and replenished. These regular service visits take place without fail.

Should any report of sightings of rodents, insects or other pests be made by staff or prisoners the contractors are called in immediately outside of the normal contract visits. A report is signed off by the engineer indicating where additional bait boxes are laid, together with a suggestion of a return visit date.

Garda Deployment

248. **Deputy Michael Ring** asked the Minister for Justice and Law Reform if a person will be replaced in a Garda station (details supplied). [42824/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): Responsibility for the allocation of resources, including personnel, within the Force rests with the Garda Commissioner, in consultation with his senior management team. Resource levels are constantly monitored, in conjunction with crime trends and other demands made on An Garda Síochána. The situation is kept under continuing review to ensure optimum use is made of these resources and the best possible Garda service is provided to the public.

Citizenship Applications

249. **Deputy Jack Wall** asked the Minister for Justice and Law Reform the position regarding

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an application for naturalisation in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [42854/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): A valid application for a certificate of naturalisation from the person referred to in the Deputy's Question was received in the Citizenship Division of my Department in August 2006.

Officials in that section inform me that letters requesting further documentation have been sent to the applicant on 7 November 2008 and further letters were issued on 14 May 2009 and 4 August 2010. This documentation was received on 12 August 2010. All valid applications are dealt with in chronological order as this is deemed to be the fairest to all applicants. The average processing time from application to decision is now at 26 months. More complicated cases can at times take more than the current average, while an element of straight forward cases can be dealt with in less than that timescale.

The length of time taken to process each application should not be classified as a delay, as the length of time taken for any application to be decided is purely a function of the time taken to carry out necessary checks. There is a limit to the reduction in the processing time that can be achieved as applications for naturalisation must be processed in a way which preserves the necessary checks and balances to ensure that it is not undervalued and is only given to persons who genuinely satisfy the necessary qualifying criteria. Officials in the Citizenship Division inform me that processing of the application is ongoing and the file will be submitted to me for a decision in due course.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Departmental Expenditure

250. **Deputy Martin Ferris** asked the Minister for Justice and Law Reform if he will provide a breakdown of the €7.223 million paid to citizens in 2008 as a result of awards against the gardaí and the number of cases in which disciplinary action was taken against members of the force. [42864/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The amount paid in damages in respect of civil claims handled by my Department, arising from the actions of members of the Garda Síochána, is set out in the table below. This information is also available on my Department's website. In addition to the claims handled in my Department, the State Claims Agency also manages other categories of personal injury and property damage claims against the Commissioner of An Garda Síochána. The amount paid out by the State Claims Agency in 2008 in Legal Claims following actions by Gardaí in the performance of their duties is €134,695.00.

Category of payment	Assault	Unlawful Arrest	Other	Overall total
Awards	€12,500.00 (1)	€5,500.00 (1)	€12,500.00 (1)	
Settlements	€505,000 (15)	€56,024.34 (6)	€648,157.58 (20)	
Costs	€816,847.70 (15)	€713,468.42 (16)	€4,317,975.40 (36)	
Total	€1,334,347.70	€774,992.76	€4,978,632.98	€7,087,973.34

*The figure in brackets indicates the number of cases of this type dealt with in the particular year.

The question of discipline is a matter for the Garda Commissioner in the first instance. The information requested by the Deputy is not currently to hand and I will write to the Deputy when it has been received.

Legal Aid Service

251. **Deputy Terence Flanagan** asked the Minister for Justice and Law Reform if he will deal with the following matter (details supplied); and if he will make a statement on the matter. [42887/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I can inform the Deputy that the full details of the estimate for 2010 for legal aid, both civil and criminal, are contained in the Revised Estimates for Public Services 2010, while the costs for the earlier years sought are contained in the Revised Estimates volume for each of the years concerned. As the Deputy will be aware, copies of these documents are available at www.finance.gov.ie and in the Oireachtas Library.

Garda Vetting Services

252. **Deputy Arthur Morgan** asked the Minister for Justice and Law Reform the position regarding an application for Garda clearance made in August 2010 given that additional staff were brought in to deal with the backlog; and if he will make a statement on the matter. [42893/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am informed by the Garda Authorities that an application for Garda vetting in respect of the person to whom the Deputy refers is in the course of being processed and a response will issue in due course.

Visa Applications

253. **Deputy Fergus O'Dowd** asked the Minister for Justice and Law Reform further to Parliamentary Question No. 209 of 10 November 2010, the number of applications for a student visa that have been rejected in 2010 on the basis that the student needs to undertake a course in the State is not demonstrated or warranted; and if he will make a statement on the matter. [42930/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The number of applications for a Study Visa that have been rejected so far in 2010 on the basis that the student's need to undertake a course in the State is not demonstrated or warranted is 298 worldwide. This figure represents slightly less than 6% of Study Visa applications received. The period covered is from 1 January 2010 to 11 November 2010.

Crime Prevention

254. **Deputy Joanna Tuffy** asked the Minister for Justice and Law Reform the steps being taken by gardaí to tackle the escalating house burglaries in the Skryne valley and Tara valley areas of County Meath; and if he will make a statement on the matter. [42934/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am informed by the Garda authorities that, up to 12 November, 2010, there has been a reduction of approximately 10% in the number of burglaries in Meath Garda Division, compared with the same period in 2009.

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Crime prevention initiatives have been put in place by local Garda management. These include high visibility patrols and checkpoints by uniform personnel, supplemented as required by plain-clothes units, to prevent, reduce, disrupt and detect this type of criminality.

Local Garda management closely monitors and keeps under review patrols and other operational strategies in place, in conjunction with crime trends and policing needs of the communities in the area, to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public, including those in the Skryne Valley and Tara Valley areas. The situation is kept under continuing review, including consideration of the allocation of additional personnel, within the overall context of the needs of each Garda Division throughout the country.

County Sheriffs

255. **Deputy John Deasy** asked the Minister for Justice and Law Reform the powers of county sheriffs in executing orders against debtors; if there is a standard cost structure in charging fees and expenses for the execution procedure; if the fees are at fixed rates or based on the value of the debt; and if he will make a statement on the matter. [42935/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I am not in a position to provide legal advice in response to Parliamentary Questions. However, I can say, generally, that the powers of Sheriffs and County Registrars are as prescribed in various Courts Acts.

The charges and fees levied by a Sheriff are set out in the Sheriff's Fees and Expenses Order 2005 (S.I. No. 644 of 2005).

Garda Vetting Services

256. **Deputy John McGuinness** asked the Minister for Justice and Law Reform the reason for the inordinate delay in the processing of Garda clearance applications; if he will consider taking immediate steps to relieve the backlog of applications as the future job opportunities of the applicants are threatened in some cases due to the delay; if he will expedite an application for clearance in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [42939/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The Garda Central Vetting Unit (GCVU) provides employment vetting for a large number of organisations in Ireland registered with the Gardaí for this purpose and which employ persons in a full-time, part-time, voluntary or training capacity to positions where they would have substantial, unsupervised access to children and/or vulnerable adults.

The processing time for vetting applications fluctuates in line with periods of increased demand. Furthermore, additional time may be required to process an individual vetting application in cases where clarification is required as to the details provided or where other enquiries need to be made, for example, when the person in question has lived and worked abroad. There will always be a reasonably significant time period required to process a vetting application. Registered organisations have been advised to take account of this in their recruitment and selection process. However, the Gardaí make every effort to reduce this to the minimum possible consistent with carrying out the necessary checks. I am informed by the Garda Authorities that the current average processing time for vetting applications received at the GCVU is approximately 12 weeks.

I am further informed by the Garda Authorities that the Garda Central Vetting Unit has not received a vetting application in respect of the person referred to. In the circumstances, I can only suggest that the person seeks clarification from the organisation submitting the application.

Road Traffic Offences

257. **Deputy Joanna Tuffy** asked the Minister for Justice and Law Reform if his attention has been drawn to the levels of speeding taking place in Kentstown, County Meath; if he will provide details of the number of speeding fines issued in the Navan district in each of the past five years; the number of unpaid speeding fines in the Navan district in each of these years; and if he will make a statement on the matter. [42946/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I have requested a report from the Garda authorities in relation to the levels of speeding at the location referred to by the Deputy. I will contact the Deputy again as soon as the report is to hand.

The issuing and payment of fines are matters 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.

UN Convention Against Corruption

258. **Deputy David Stanton** asked the Minister for Justice and Law Reform the reasons for the delay in ratifying the UN Convention against Corruption signed by the State in 2003; when he expects to be in a position to ratify same; and if he will make a statement on the matter. [43034/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The United Nations Convention Against Corruption was signed on behalf of Ireland when that Instrument opened for signature in December 2003. There are certain legislative measures required to be in place before Ireland can proceed with ratification, and it is intended that the arrangements will be made for ratification of this Convention, as soon as the Prevention of Corruption (Amendment) Bill 2008, which is currently under consideration by the Oireachtas, has been enacted.

Legislative Programme

259. **Deputy David Stanton** asked the Minister for Justice and Law Reform further to his comments in a speech on 21 May 2010, the progress that has been made in the consolidation of all the anti-corruption legislation in a single statute; and if he will make a statement on the matter. [43035/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): It is my intention to consolidate anti-corruption legislation with a view to making the law more accessible for people, and to bring greater clarity to this area. As the Deputy will be aware, the Prevention of Corruption (Amendment) Bill 2008, is currently under consideration by the Oireachtas. Its enactment will facilitate fulfilment of our international obligations in regard to the United Nations Convention against Corruption and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. Once the amending legislation is passed, work on consolidation legislation can be progressed.

Crime Prevention

260. **Deputy David Stanton** asked the Minister for Justice and Law Reform further to

[Deputy David Stanton.]

Parliamentary Question No.1163 of 29 September 2010, the discussions he has had with An Garda Síochána in relation to proposals for changes to white collar crime law; when he expects to publish a discussion document on white collar crime on same; the persons involved in the consultation process on this document; and if he will make a statement on the matter. [43036/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I can inform the Deputy that I published a discussion document entitled *Organised and White Collar Crime* on 22 October 2010, as part of the consultation process leading to a White Paper on Crime. The document has been widely circulated and is available to download from my Department's website or in hard copy by request. Submissions on the issues raised in the document may be made by end December, 2010. A report on the submissions received will be published early next year and will feed into the deliberations leading to the White Paper on Crime, which is due for publication in 2011.

This consultation process complements, but does not hold up, consideration of the proposals made by the Garda Commissioner on foot of my request that he examine the law in the area of white collar crime in light of experience gained in current and past investigations. In this regard, and as the Commissioner's proposals have implications for various areas of the law, I am in contact with relevant ministerial colleagues and the Attorney General about them.

Garda Operations

261. **Deputy Joe Carey** asked the Minister for Justice and Law Reform his plans to review anti social behaviour orders; and if he will make a statement on the matter. [43044/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): Part 11 of the Criminal Justice Act 2006 provides for civil proceedings in relation to anti-social behaviour by adults, and Part 13 of the Act relates to anti-social behaviour by children. These provisions set out an incremental procedure for addressing anti-social behaviour. For adults they provide for a behaviour warning and a civil order. For children, they range from a behaviour warning from a member of An Garda Síochána, to a good behaviour contract involving the child and his or her parents or guardian, to referral to the Garda Juvenile Diversion Programme and to the making of a behaviour order by the Children Court. Applications to the courts for civil orders and behaviour orders are considered only as the last stage in a process. If the offending anti-social behaviour has been addressed at an earlier stage in the process, it is not necessary to apply to the courts for an order.

The range of legislative, policy and operational measures which target anti-social behaviour, including those provided for in the Criminal Justice Act 2006, are under ongoing review by my Department, in consultation with the Garda authorities and other relevant Departments, in the light of the experience gained in their utilisation.

Juvenile Offenders

262. **Deputy Joe Carey** asked the Minister for Justice and Law Reform if he will report on the matter by which recently enacted gangland legislation will interact with the Irish Youth Justice Service; and if he will make a statement on the matter. [43045/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I refer the Deputy to my reply to Parliamentary Question 29 on 4 February, 2010. The position remains as stated.

National Drugs Strategy

263. **Deputy Lucinda Creighton** asked the Minister for Justice and Law Reform the action he is taking to address the serious heroin problem here; and if he will make a statement on the matter. [43047/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The Government's approach to tackling the problem of drug misuse, including heroin use, is through a co-ordinated and integrated approach under the National Drugs Strategy. The Strategy tackles the issue under pillar headings of drugs supply reduction, education and prevention, treatment, rehabilitation and research. Drugs and organised crime are being prioritised by An Garda Síochána as a core focus for 2010, through the Garda Síochána Policing Plan, which reflects Government strategies contained in the National Drugs Strategy.

Drugs units are in place in every Garda Division and work in partnership with the Garda National Drugs Unit in tackling and targeting drug-related crime. Divisional and District Policing Plans also reflect the focus of the Policing Plan in terms of drugs law enforcement. In addition, An Garda Síochána has strong and strategic partnerships in place at international level targeting drug trafficking. The links between organised crime and the illicit drugs trade continue to be actively pursued. The Garda National Drugs Unit, working with other national units, including the Organised Crime Unit and the Criminal Assets Bureau, are targeting persons involved in the heroin trade who are the subject of intelligence-led operations aimed at detecting and prosecuting offenders.

An Garda Síochána is satisfied that, in addition to the considerable volume of drugs seized to date in 2010, a significant impact has also been made by arresting and prosecuting a number of major players involved in the trafficking of drugs including heroin. All of this work is underpinned by the stringent and wide ranging criminal justice legislative package of measures targeting organised crime, including drug trafficking, which I have brought through the Houses in recent times. I can assure the Deputy that my Department, and all the agencies under its aegis, remain fully committed to the approach adopted in the National Drugs Strategy and to its implementation.

Departmental Expenditure

264. **Deputy Lucinda Creighton** asked the Minister for Justice and Law Reform the amount spent on judicial reviews for asylum cases in the years 2007, 2008, 2009, and 2010; and if he will make a statement on the matter. [43048/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The Deputy will be aware the asylum process encompasses the activities of the Office of the Refugee Applications Commissioner (ORAC) and the Refugee Appeals Tribunal (RAT), both of which make recommendations to the Minister for Justice and Law Reform in relation to the granting of refugee status. Persons who are refused a declaration under Section 17 of the Refugee Act 1996 that they are a refugee, subsequently enter what is commonly referred to as the "leave to remain" process. This is separate to the asylum or refugee status determination process.

I would point out that payments in relation to JRs are made on foot of Bills of Costs submitted (following clearance by the Chief State Solicitor's Office's Costs Accounting Section) by applicants' legal representatives. Accordingly, there are often considerable delays in the submission of Bills of Costs for payment; that is to say that the time between the finalisation of cases before the courts and the submission of the Bills of Costs to my Department can vary considerably.

Official Engagements

265. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Law Reform if he or officials from his Department have met or will meet the representatives of the survivors and bereaved relatives of the Stardust fire disaster of 1981; and if he will make a statement on the matter. [37906/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): I can inform the Deputy that there are ongoing discussions with the Stardust Victims Committee concerning the forthcoming 30th anniversary of the tragedy and related matters.

Visa Applications

266. **Deputy Mary Upton** asked the Minister for Justice and Law Reform, further to the release of the latest Government document on tourism development, Trading and Investing in the Smart Economy, the immediate measures being taken to reform the visa process for tourists from high growth markets such as China and India; and if he will make a statement on the matter. [36688/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): As part of the five year strategy 'Trading and Investing in a Smart Economy', which was launched by the Taoiseach in September this year, my Department has undertaken to establish a mechanism to ensure that the visa regime here supports the priorities set out in the Strategy. This new mechanism will be designed to ensure that entrepreneurial, business and tourist travellers to Ireland who can be identified as such, are specifically facilitated, and that businesses promoting trade, tourism and investment are not placed at a competitive disadvantage. My Department has written to all relevant Government Departments inviting them to nominate high level officials to sit on a Consultative Group on Visa Issues to deliver on this commitment. In addition the relevant State Agencies will also be involved.

As with all visas in all countries 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 I believe that, in most cases, my Department achieves this balance. Visa approval rates for the countries mentioned by the Deputy bear this out.

Approval rates for visa applications of all types processed through the Irish overseas Visa Offices in India and China in 2009 were:

- New Dehli (serving India, Bangladesh, Sri Lanka, Nepal) — 90%
- Beijing (serving China, Cambodia, Mongolia) — 86%

Currently, straightforward 'visit' visa applications are being decided upon within 10 working days by the Visa Office, Beijing. The decision time frame is even shorter where applications are lodged via a Chinese government approved tourist agent, such applications being decided upon within 1-3 working days. A decision time frame of 1-5 working days applies to 'visit' visa applications considered by the Visa Office, New Delhi. Whilst I am satisfied that Ireland compares favourably with international competitors regarding processing times and approval rates for Visas from China and India, my Department continually examines ways in which the visa process can further facilitate the promotion of tourism to the State from these markets, in conformity with the needs of an effective immigration regime.

Road Safety

267. **Deputy Joe Costello** asked the Minister for Justice and Law Reform when the traffic camera roll-out will take place; and if he will make a statement on the matter. [42728/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The Garda Commissioner and I signed the contract for an outsourced safety camera network with the preferred service provider in November, 2009 following a tender and evaluation process. In accordance with the provisions of the contract, following the necessary preparatory work, roll-out of the national mobile safety camera network commenced at midnight on 15 November, 2010 and is expected to reach full capacity in early 2011. The cameras will be deployed at locations which have been identified as having a high incidence of speed related collisions. Information on these locations is available on the Garda website www.garda.ie. As well as enforcing vehicle speeds, the cameras will carry out surveys of the speed of vehicles at the locations, so as to ensure that the cameras are deployed where they are most needed. On completion of the roll-out early in 2011, the network will provide 6,000 hours of monitoring and 1,475 hours of surveying per month.

An Garda Síochána will determine the scheduling of the speed monitoring and survey sessions and will oversee the day-to-day running of the project. The service provider will have responsibility for ensuring monitoring and survey sessions are conducted in accordance with those schedules and providing the survey and monitoring data to An Garda Síochána. The selected supplier will also provide the necessary vehicles, monitoring and survey equipment and operating personnel. An Garda Síochána will issue fixed charge notices to speeding drivers who are detected and pursue any court prosecutions undertaken. The service provider will be paid according to the level of service provided. The number of speeding drivers detected by the service provider will have no effect on the level of payment. The purpose of the contract is to reduce speed, and so increase road safety, not to generate revenue either for the State or the service provider.

Crime Prevention

268. **Deputy Jack Wall** asked the Minister for Justice and Law Reform his views regarding illegal fireworks and bonfires and the effect they have on our communities, and especially our older population; and if he will make a statement on the matter. [39290/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): As the Deputy may be aware, the Explosives Act, 1875 provides for the control of the importation, manufacture, storage and sale of fireworks. The 1875 Act was amended by the Criminal Justice Act, 2006 which came into effect in August, 2006 to provide for new offences governing the possession of illegally imported fireworks with intent to supply. The amendments also provided for significantly increased penalties governing the illegal importation, sale and use of fireworks.

Under the provisions, it is an offence:

- for any person to possess a firework with intent to sell or supply, without a licence,
- to throw an ignited firework at any person or property, and
- to light unlicensed fireworks in a public place.

The penalty for such offences is now a fine of up to €10,000 or 5 years imprisonment or both.

A nationwide information campaign took place in the run up to Hallowe'en using national and regional newspapers to highlight to the public the dangers of fireworks and the significant penalties that exist for their illegal use.

[Deputy Dermot Ahern.]

I am informed by the Garda Commissioner that Operation Tombola, the annual Garda operation, was in place for policing during the Hallowe'en period. I understand that Operational Orders were put in place in every Garda Region, in particular in the Dublin Metropolitan Region and Border Divisions, to prevent and detect the organised importation of fireworks in the lead up to Hallowe'en and to police the Hallowe'en period.

Persons suspected of engaging in the importation, supply or sale of fireworks were identified and targeted, including by way of intelligence-led operations and searches which to date in 2010 (as of 2nd November, 2010) have resulted in 164 seizures of fireworks, worth an estimated €59,216. These statistics are operational and liable to change.

An Garda Síochána also engaged with local communities, Local Authorities and other stakeholders, such as Dublin Bus, in putting plans in place to address the issues that arise around the Hallowe'en period. Through the Schools Programme and other local programmes members of An Garda Síochána have highlight the dangers associated with illegally imported fireworks. With regards to bonfires, Gardaí have a liaison mechanism in place with Local Authorities for the removal of identified stockpiles of combustible materials, in advance of Hallowe'en night.

Gardaí have also advised Managers of Off-Licences to ensure that staff are appraised of their obligations and responsibilities under Licensing legislation relating to the sale of alcohol, in particular to underage persons.

I am also informed that proactive policing arrangements were in place covering the period coming up to and including Hallowe'en night. Additional patrols were carried out by uniform personnel as part of high-visibility policing initiatives supported by plain-clothes personnel, including District Detective and Drug Units, Divisional Crime Task Force, Traffic Corps personnel and Community Policing and Mountain Bike Units.

Given the offences and increased penalties that now exist, together with the measures outlined above, I expect that the Garda operations will continue to be successful in combating the illegal importation, sale and use of fireworks.

Controlled Drug Sales

269. **Deputy Jack Wall** asked the Minister for Justice and Law Reform if he is satisfied that the recent legislation passed by the Dáil has resulted in the closure of all the head shops here; and if he will make a statement on the matter. [39279/10]

Minister for Justice and Law Reform (Deputy Dermot Ahern): The Criminal Justice (Psychoactive Substances) Act 2010 is one element of the Government's multi-pronged approach to targeting the activities of so called 'headshops' and the sale of unregulated psychoactive substances. The Act works in tandem with the ongoing controlling, as appropriate, of identified harmful substances by the Department of Health and Children through the Misuse of Drugs legislation and the National Drugs Awareness campaign which is highlighting the dangers of the use of psychoactive substances.

I am informed by the Garda authorities that the Criminal Justice (Psychoactive Substances) Act, 2010, which came into effect on 23 August, 2010, has had an immediate effect in significantly reducing the number of 'headshop' outlets operating in the State. As of 4 November, 2010, only 12 such outlets continue to operate in the State. I am further informed that none of these outlets have been found, or are suspected of being, involved in the sale or supply of harmful psychoactive products. In contrast, the information provided to me in May of this year by the Garda authorities indicated that there were 102 headshops operating in the State at that time. I am satisfied that the operation of the Criminal Justice (Psychoactive Substances) Act

2010 has had a significant impact on the operation of such outlets. I can assure the Deputy that the situation will continue to be closely monitored by senior Garda management.

Foreign Conflicts

270. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will insist that a company (details supplied) withdraw from supporting a company and their involvement in the supply of cement and building materials for use in the illegal occupation of Palestine. [43043/10]

Minister for Foreign Affairs (Deputy Micheál Martin): As I have stated in reply to previous questions on this matter, Cement Roadstone Holdings owns a minority shareholding of approximately 25% in Mashav Initiating and Development Limited, which is the holding company for the main Israeli cement producer, Neshet. This 25% stake does not give CRH any control over Neshet's operational matters. The Israeli company supplies cement to all of the concrete manufacturers in Israel and the Occupied Palestinian Territories. Neshet does not have a say in the final use of the concrete products.

Social Welfare Appeals

271. **Deputy Joe Carey** asked the Minister for Social Protection when a decision will issue on a disability allowance appeal in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [42381/10]

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 23 April 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 31 August 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.

272. **Deputy Dan Neville** asked the Minister for Social Protection if the Appeals Office will now accept the disability allowance application as an appeal in respect of a person (details supplied) in County Limerick. [42443/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I am informed by the Social Welfare Appeals Office that a form for the opening of an appeal has been forwarded to the person concerned and requesting him to state the grounds for his appeal. On receipt of his reply the appeal will be opened and processed in the normal manner. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

273. **Deputy Róisín Shortall** asked the Minister for Social Protection the number and percentage of tenants in receipt of rent supplement where the landlord and tenancy is registered with the Private Residential Tenancies Board. [42479/10]

285. **Deputy Róisín Shortall** asked the Minister for Social Protection if he will provide a breakdown of rent supplement recipients in regard to the unit size of their rented property that is the number of bedrooms or other form of measure. [42821/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I propose to take Questions Nos. 273 and 285 together.

The Department does not record whether a rent supplement tenancy is registered with the Private Residential Tenancies Board (PRTB). However, the Department works closely with the PRTB to ensure that all tenancies where rent supplement is in payment are registered with the PRTB. To that end, the Department provides details of new rent supplement payments to the PRTB to enable them identify tenancies that are not registered and to take any follow-up action necessary. The Department does not maintain records on accommodation size or property types of individual tenancies.

Employment Support Services

274. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection further to Parliamentary Question No. 82 of 2 November 2010, if he raised the FÁS materials budgets including payments for light bulbs, toilet rolls and sanitary bins during the Government deliberations on the four year budgetary framework and the outcome of those specific deliberations and if not, to outline whether his Department on his own initiative will take steps to reverse the recent trend in FÁS decisions including stipulations that lightbulbs other than those in staff areas, toilet rolls outside specified staff toilets and sanitary towel bins where community employment participants are post menopause cannot be claimed once responsibility transfers to him. [42526/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): It is not appropriate to reveal the content of the on-going Government deliberations on the four year budgetary framework. Day-to-day management of the Community Employment Scheme is a matter for FÁS and this position will not be altered by the terms of the Social Welfare (Miscellaneous Provisions) Act 2010 when commenced. The future administration of the Community Employment Scheme, when the relevant functions of FÁS are fully integrated with my Department, will be considered in the context of the circumstances, including the budgetary environment and the requirements of value for money, prevailing at that time.

Social Welfare Appeals

275. **Deputy Michael Ring** asked the Minister for Social Protection the reason a person (details supplied) in County Westmeath residing here since March 2007 has been refused disability allowance. [42574/10]

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 3 July 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 15 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.

Social Welfare Benefits

276. **Deputy Willie Penrose** asked the Minister for Social Protection if an application for mortgage interest supplement can be expedited in respect of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [42591/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Health Service Executive (HSE) has advised that it requires a copy of the original mortgage application from the lending institution before it can make a decision on any entitlement to mortgage interest supplement in this case. The HSE has further advised that it has recently requested the required documentation from the lending institution on behalf of the person concerned and will be in a position to make a decision on entitlement when this has been received.

Departmental Expenditure

277. **Deputy Michael Ring** asked the Minister for Social Protection the total amount of discretionary payments or exceptional needs payments made in 2007, 2008 and 2009; the estimated spend on same in 2010 in tabular form; and if he will make a statement on the matter. [42606/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Under the supplementary welfare allowance scheme, which is administered on behalf of the Department by the community welfare division of the Health Service Executive, an exceptional needs payment (ENP) may be made to help meet an essential, once-off cost which the applicant is unable to meet out of his/her own resources. There is no automatic entitlement to this payment. Each application is determined by the Executive based on the particular circumstances of the case.

The expenditure on exceptional needs payments between 2007 and 2009 was follows:

Year	Expenditure
	€
2007	69,828,000
2008	82,255,000
2009	75,210,000

Expenditure to October 2010 is €56,760,000.

Social Welfare Appeals

278. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when a domiciliary care appeal will be heard in the case of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [42770/10]

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.

[Deputy Éamon Ó Cuív.]

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 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

279. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the position regarding an application for rent support in the case of a person (details supplied) in County Mayo; and if he will make a statement on the matter. [42772/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Health Service Executive (HSE) has advised that the person concerned was refused a supplementary welfare allowance payment in April 2010 as she was not regarded as habitually resident in the State. The HSE has further advised that it has not received an application for rent supplement from the person concerned.

280. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when jobseeker's allowance arrears will issue in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [42773/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The person concerned claimed jobseeker's allowance from 25th September 2010. Her claim has been awarded and all payments due from that date have been issued. No application has been received from the person concerned for payment of jobseeker's allowance for the period 6th September 2010 to 24th September 2010.

281. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the way means have been assessed in the case of a person (details supplied) in County Kildare who has been without employment since July 2010; and if he will make a statement on the matter. [42774/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The person concerned submitted a claim for Jobseeker's Allowance on 12 July 2010 and I am pleased to say that his application has been awarded with effect from that date at a weekly rate of €57.00. His weekly means from

self employment were calculated at €139.00 per week based on €13,815.62 annual gross earnings less expenses of €6,600. The person concerned first payment will issue to his local Post Office on 17 November 2010.

Social Welfare Appeals

282. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when an oral hearing will be arranged for a person (details supplied) in County Kildare; and if he will make a statement on the matter. [42775/10]

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. In order to be fair to all appellants, oral hearings are arranged in strict chronological order.

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 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

283. **Deputy Paul Kehoe** asked the Minister for Social Protection the reason for the delay in processing a farm assist application in respect of a person (details supplied) which was submitted in January 2010 and the applicant has had no further contact from the Department; the efforts being made to reduce the waiting time on farm assist applications; and if he will make a statement on the matter. [42786/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The person concerned made an application for Farm Assist on 26/2/2010. These applications are means tested and require investigation by a Social Welfare Inspector. While the person concerned was written to in June 2010, the claim has not yet been finalised. This delay is regretted and arrangements are being made to have the person concerned interviewed this week.

Departmental Staff

284. **Deputy Deirdre Clune** asked the Minister for Social Protection the number of staff in his Department in an area (details supplied) in County Cork; his plans to increase this number; if these plans will involve acquiring additional office space; and if he will make a statement on the matter. [42789/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): There are currently 20.1 permanent posts (21 people) serving in Carrigaline Local Office. One Executive Officer is due to report in the coming weeks to fill a vacancy in the office, and work is in train to assign a further Executive Officer to fill an outstanding vacancy. In addition, one Temporary Clerical Officer has been assigned to assist in dealing with the increase in claims for unemployment schemes. One HEO Investigator and one EO Investigator are also based in Carrigaline.

Staffing needs are kept under constant review to ensure that best use is made of all available resources. The Office of Public Works (OPW), which has responsibility for the provision of office accommodation for my Department, has been requested to acquire additional office space for Carrigaline. Options in this regard are currently being examined by the OPW.

Question No. 285 answered with Question No. 273.

Social Welfare Benefits

286. **Deputy Seán Sherlock** asked the Minister for Social Protection if he will provide a breakdown nationally of the amount paid out in rent allowance for the year 2009 and to date in 2010; and if he will make a statement on the matter. [42892/10]

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. There are currently over 96,200 tenants benefiting from a rent supplement payment — an increase of 61 per cent since the end of 2007. Expenditure on rent supplement for 2009 was €511m with €509m provided for in 2010. Expenditure to date to end October 2010 is €429m.

287. **Deputy James Bannon** asked the Minister for Social Protection the position regarding an application for jobseeker's allowance in respect of a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [42899/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): There is no record of an application for Jobseeker's Allowance from the person concerned. He is currently in receipt of casual Jobseeker's Benefit at weekly rate of €196.00 and receives payment each week in respect of days of unemployment.

288. **Deputy James Bannon** asked the Minister for Social Protection the position regarding an application for invalidity pensions in respect of a person (details supplied) in County Westmeath. [42902/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): Entitlement to invalidity pension is determined on receipt of a completed application form. There is no record of an application form having been received for the first named customer who is currently in receipt of jobseekers benefit at a weekly personal rate of €196.00.

The other referenced customer is in receipt of invalidity pension which was awarded from 11th February 2010 at the rate of €201.50. This was subsequently reduced to a rate of €182.50, the reduction being applied for the recovery of an overpayment incurred while she was in receipt of illness benefit.

289. **Deputy James Bannon** asked the Minister for Social Protection the reason the back to work enterprise allowance and jobseeker's allowance has been stopped in relation to a person (details supplied) even though their new enterprise is not making a profit; and if he will make a statement on the matter. [42903/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Department has no record of a Jobseeker's Allowance or Back to Work Enterprise Allowance application from the person concerned. If he wishes to submit an application he should contact Longford Local Office as soon as possible.

Social Welfare Appeals

290. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection if a decision has been made on a domiciliary care allowance appeal in respect of a person (details supplied); and if he will make a statement on the matter. [42905/10]

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 19 August 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 02 November 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.

291. **Deputy Michael McGrath** asked the Minister for Social Protection the position regarding an application for domiciliary care allowance in respect of a person (details supplied) in County Cork. [42911/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 25 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 9 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.

292. **Deputy John McGuinness** asked the Minister for Social Protection when a decision will be made in the case of a person (details supplied) in County Kilkenny. [42938/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I am advised by the Social Welfare Appeals Office that, an Appeals Officer, having considered all the available evidence, disallowed the jobseeker's allowance appeal of the person concerned.

However, following the submission of additional evidence the Appeals Officer agreed to review the case. The person concerned will be contacted when the appeal has been finalised.

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.

293. **Deputy Pat Breen** asked the Minister for Social Protection when a person (details supplied) in County Clare will be facilitated with a date for an oral hearing; and if he will make a statement on the matter. [42950/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): The Social Welfare Appeals Office has advised me that the appeal from the person concerned in relation to two sons was received, there was no appeal received in relation to the daughter of the person concerned. The appeal 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 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.

294. **Deputy Pat Breen** asked the Minister for Social Protection when an application will be processed in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [42954/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): An application for domiciliary care allowance was received for the person in question on the 30th August 2010. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A letter issued on the 5th October 2010 where the customer was advised of the decision. Where a person is not satisfied with the decision of a Deciding Officer he/she may appeal the decision to the Social Welfare Appeals Office. As yet, no appeal has been registered against this decision.

EU Directives

295. **Deputy Michael Creed** asked the Minister for Social Protection if his attention has been drawn to a new EU Directive which proposes to give an employee full pay for 20 weeks when on maternity leave and if he will indicate his views on this matter; and if he will make a statement on the matter. [42968/10]

Minister for Social Protection (Deputy Éamon Ó Cuív): I understand the Deputy is referring to a current European Parliament proposal to extend maternity leave to 20 weeks and to introduce paternity leave of 2 weeks, both at full pay.

Ireland has been generally supportive of EU initiatives to enhance the minimum level of protection for pregnant workers and is committed to supporting gender equality and ensuring there is a high participation by women in the labour force. In this context it may be noted that current national provisions extend well beyond the current minimum requirements at EU level of 14 weeks for maternity leave. Maternity leave of 26 weeks is provided for, during which maternity benefit may be paid at the rate of between €225 and €270 per week. A further 16 weeks unpaid maternity leave may also be taken.

The issues now fall to be discussed by the Council of Ministers. In this regard, the Department of Community, Equality and Gaeltacht Affairs, with whom primary responsibility in this area rests, and my department are liaising on ongoing basis.

Arts Funding

296. **Deputy Mary Upton** asked the Minister for Tourism, Culture and Sport if her attention has been drawn to the level of cuts being imposed on independent rural arts centres, that these cuts will dramatically impoverish cultural infrastructure in rural areas if allowed to continue; and if she will make a statement on the matter. [42502/10]

297. **Deputy Mary Upton** asked the Minister for Tourism, Culture and Sport her views that support for older independent rural arts centres is declining; her further views on whether it is appropriate that a formal policy be established to ensure that these centres are adequately supported, based on their local community value and that it is important for the future that the role of local authorities in supporting the arts is formalised and is coordinated with other sources of funding and supports; and if she will make a statement on the matter. [42503/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): I propose to take Questions Nos. 296 and 297 together.

Primary responsibility for the promotion of the arts at all levels throughout the country is devolved to the Arts Council which, under the Arts Act, is independent in its funding decisions.

[Deputy Mary Hanafin.]

The allocation to the Arts Council for 2010 is €68.6m from which it may also provide funding to local authorities for arts initiatives.

My Department is responsible for the provision of capital monies for the arts infrastructure such as arts centres, galleries and theatres. Under the ACCESS 11 programme, for instance funding has been provided for around 80 projects. Some of these were local authority led projects and the table below shows the total funding allocated under the ACCESS programme to local authorities during the period 2005-2010.

Year	Funding Allocated to Local Authorities for Arts Capital Projects
	€
2005	40,000
2007	6,785,000
2008	4,300,000
2009	Nil*
2010	Nil*
Total	11,125,000

*No ACCESS programme allocation in these years.

There are other projects supported by local authorities but which were not local-authority-led projects. A list of ACCESS II projects and the amount of grant aid allocated to each project is available on my Department's website.

The increase in the availability of facilities and the enhancement of their quality, as a result of the arts capital schemes, has greatly improved access to and participation in the arts for a great many people.

Funding for the arts for 2011 including the allocation for the Arts Council will be decided in the context of the ongoing Estimates' process.

Sports Capital Programme

298. **Deputy John O'Mahony** asked the Minister for Tourism, Culture and Sport if funding will be available for a project (details supplied) in County Mayo. [42483/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): Under the Sports Capital Programme, which is administered by my Department funding is allocated to sporting and community organisations for the capital costs of providing sports facilities and the purchase of non-personal sports equipment at local, regional and national level throughout the country. Applications for funding must be in respect of projects that are of a capital nature and must be directly related to the provision of sporting or physical recreation facilities. This means that the project must involve improving or building an asset or buying non-personal sports equipment that will be used for at least five years.

The Programme does not provide grants towards buying sites, premises or personal equipment. In the assessment process the guiding principle is that priority is given to the facilities closest to actual participation in sport. In this regard bar facilities, landscaping and car parks are not funded under the Programme.

It is open to the club in question to apply to the Department for funding under any future round the Sports Capital Programme should they have a suitable project. No decision has been taken on the timing of the next round of the Programme.

Fáilte Ireland undertakes a range of activities to promote angling in Ireland, including investment in infrastructure. Previous grant assistance under Fáilte Ireland's Tourism Capital Investment Programme has been aimed at ensuring that the angling product is maintained and where necessary upgraded to increase supply and improve the quality of the product to bring it in line with best international standards. Because of the infrastructural nature of the investment, Fáilte Ireland has provided funding in conjunction with the relevant local authorities. A direct approach to Fáilte Ireland (88-95 Amiens Street, Dublin 1, Ph: 1890 525 525) by the group in question is recommended.

Arts Funding

299. **Deputy Ruairí Quinn** asked the Minister for Tourism, Culture and Sport if she will provide a breakdown of the capital projects financed under cultural development by her Department; and if she will make a statement on the matter. [42514/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): Capital funding for arts and cultural projects supported by my Department is primarily provided from the Cultural Development subhead, D5, of Vote 35 of the Revised Estimates Volume.

Under this subhead, capital grants have been awarded for the development of arts and cultural infrastructure throughout the country. Integrated arts centres, theatres, museums, galleries, arts studios and creative and performance spaces have received capital funding. The capital funding provided to the National Cultural Institutions is set out in Votes 33 and 35 of the Revised Estimates Volume. The tables beneath set out the payments made under the aforementioned subhead D5 in 2009 and in 2010 to date.

Table 1: Capital payments to Cultural Development projects in 2009 by county

	County	€
Visual Arts	Carlow	118,379
Aras Oidhreacht, Spanish Point	Clare	96,793
Comhaltas Ceoltóirí Éireann Ennistymon	Clare	18,494
Cork Arts Theatre	Cork	16,462
Cork Opera House	Cork	1,450,000
Everyman Theatre	Cork	9,473
National Sculpture Factory	Cork	157,887
Abbey Community Arts Ballyshannon	Donegal	43,157
Raphoe diocesan archives	Donegal	3,285
Draiocht Ltd, Blanchardstown	Dublin	135,088
Gallery of Photography	Dublin	428,996
Graphic Studio Gallery	Dublin	140,318
Irish Film Institute	Dublin	985,751
Natural History Museum (OPW)	Dublin	50,000
Project Arts Centre	Dublin	60,000
Royal Hibernian Academy	Dublin	470,099
The Abbey Theatre	Dublin	196,272
The Ark Cultural Centre for Children	Dublin	13,124
The Gate Theatre	Dublin	322,159
Druid Theatre	Galway	822,237
Solas Galway Picture Palace	Galway	720,468
Siamsa na Carraig	Kerry	52,662

[Deputy Mary Hanafin.]

	County	€
St John's Theatre Listowel	Kerry	48,505
Castalia Arts Centre, Callan	Kilkenny	127,016
Watergate Theatre	Kilkenny	38,547
Arthouse Stradbally	Laois	43,303
Belltable Theatre	Limerick	152,294
Foynes Flying Boat Museum	Limerick	188,557
Irish Chamber Orchestra	Limerick	28,784
Limerick City Gallery of Art	Limerick	120,977
Backstage Theatre	Longford	174,366
Droichead Arts Centre, Drogheda	Louth	297,060
Ballina Arts Centre	Mayo	300,000
Kiltimagh Theatre	Mayo	27,567
Linenhall Arts Centre, Castlebar	Mayo	21,983
Iontas Castleblaney Rehearsal Space	Monaghan	14,571
Scotshouse Community Hall Clones	Monaghan	2,000
Comhaltas Ceoltóirí Éireann Riverstown	Sligo	7,500
Model, home of the Niland Collection	Sligo	2,967,307
Comhaltas Ceoltóirí Éireann Brú Ború Cashel	Tipperary	80,193
Theatre Royal Waterford	Waterford	1,783,699
St Michael's Hall	Wexford	13,782
Wexford Arts Centre	Wexford	612,184
Wexford Theatre Royal	Wexford	2,584,271
Fossets Circus	National	192,247
National Association of Youth Drama	National	7,600
National Treasury Management Agency PPP projects	National	887,962
Office of Public Works PPP projects	National	187,089
Technical assistance	National	74,415
Total		17,294,879

Table 2: Capital payments to Cultural Development projects in 2010 to date by county

	€	County
Aras Oidhreacht Spanish Point	4,792	Clare
National Sculpture Factory	10,078	Cork
Abbey Community Arts	56,843	Donegal
Royal Dublin Society Bookbinding	15,000	Dublin
Royal Irish Academy Art And Architecture Project	75,000	Dublin
Irish Film Institute	40,977	Dublin
Hugh Lane Gallery	26,780	Dublin
Graphic Studio Gallery	15,593	Dublin
Church Genealogy Projects	34,377	Dublin
Dublin City Council Digitization Of Registers	129,459	Dublin
The Abbey Theatre	16,694	Dublin
Imma (Opw)	4,971	Dublin
Solas Pilture House	143,642	Galway
St Johns Theatre	21,495	Kerry

	€	County
Irish Lebanon Veterans Living History Group — Exhibition	10,000	Kildare
Watergate Theatre	4,000	Kilkenny
Arthouse Stradbally	376,697	Laois
Opw/Hunt Museum	100,000	Limerick
Bell Table Arts	97,613	Limerick
Backstage Theatre	73,617	Longford
Droichead Arts	2,939	Louth
Model Art & Niland	49,719	Sligo
Nenagh Community Arts Centre	447,122	Tipperary
Wexford Arts Centre	137,816	Wexford
St Michaels Hall	6,218	Wexford
Wexford Theatre Royal	133,387	Wexford
OPW/National Museum Of Ireland	1,000,000	National
Comhaltas Ceoltoiri Eireann	1,871,012	National
National Gallery Of Ireland (Opw)	16,335	National
National Treasury Management Agency Ppp Projects	51,422	National
Technical Assistance For Capital Programme	33,556	National
Total	5,007,156	

Sports Capital Programme

300. **Deputy John O'Donoghue** asked the Minister for Tourism, Culture and Sport the reason for the inordinate delay in making payment of a sports capital grant to a centre (details supplied) in County Kerry; and if she will make a statement on the matter. [42876/10]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): Payment of an allocation under the Sports Capital Programme is subject to compliance on the part of the grantee with the Programme's terms and conditions. Provisional allocations under the Programme cannot be formally approved until all legal requirements are met. The grantee in question was informed in the letter of provisional allocation on 9 May 2007 that no works should be carried out prior to receipt of formal approval from the Department.

The terms and conditions include a requirement, for grantees in receipt of allocations that cumulatively exceed certain threshold levels, to execute a Deed of Covenant and Charge, which is designed to protect the Minister and taxpayers' interest in the grant-aided facility.

Where grantees hold a lease to the property in question, and that lease contains a forfeiture clause, grantees are required to have the landlord execute a landlord agreement. This agreement stipulates that in the event that the facility reverts to the landlord within the period of the Minister's charge, the landlord will either maintain the facility in sporting use or repay the unexpired value of the grant to the Department. The Chief State Solicitor's Office (CSSO) advised in September of this year that landlord agreements should remain an integral part of the Minister's security under the Department's capital programmes.

In the case of the grantee in question, the landlord refuses to enter into such a landlord agreement. The Department is consulting with the CSSO and the landlord concerned to identify a solution to this matter. Following a recent meeting with the landlord in question, the Department wrote to the CSSO on Friday last, 12 November 2010, seeking observations on a proposed solution.

Postal Voting

301. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government if he plans conferring voting rights on Irish citizens who have emigrated since 2007 for economic reasons; if he acknowledges that the views of these citizens should be reflected in the outcome of the next general election; and if he will make a statement on the matter. [42167/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): In order to be able to vote at elections and referenda in this jurisdiction, a person's name must be entered in the register of electors for a constituency in the State in which the person ordinarily resides.

Postal voting is provided for in electoral law in respect of certain categories of person who are entered in the register of electors. The Electoral Act 1992 provides for postal voting by whole-time members of the Defence Forces, members of the Garda Síochána, and Irish diplomats serving abroad and their spouses. Subsequent legislation enacted by the Oireachtas has extended postal voting to other categories: electors living at home who are unable to vote because of a physical illness or a physical disability (the Electoral (Amendment) Act 1996); electors whose occupation, service or employment makes it likely that they will be unable to vote in person at their local polling station on polling day and full-time students registered at their home who are living elsewhere while attending an educational institution in the State — in these cases, the law provides for completion of the necessary voting documentation at a Garda station (the Electoral Act 1997); certain election staff employed at the poll outside the constituency where they reside (the Electoral (Amendment) Act 2001); and electors who because of the circumstances of their detention in prison pursuant to an order of a court are likely to be unable to go in person on polling day to vote (the Electoral (Amendment) Act 2006).

While electoral law is subject to ongoing review I have no proposals at present to alter existing arrangements for postal voting.

Hare Coursing

302. **Deputy Maureen O'Sullivan** asked the Minister for the Environment, Heritage and Local Government the reason he granted licences to two coursing clubs (details supplied) to hold coursing meetings on a day not specified in the hares order, that is, 25 September 2010. [42399/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Section 26(3) of the Wildlife Act 1976 allows me, as Minister, to grant a licence to a coursing club to undertake hare coursing on a day or days which are outside the Open Season Order dates, (the period between 26 September and 28 February). The two clubs referred to in the question applied to my Department to hold meetings on Saturday 25 September, 2010. I approved these two applications as most meetings are traditionally held at weekends and given the fact that the granting of licences would not result in additional coursing meetings being held. Similar licences were issued to clubs in previous years.

Planning Issues

303. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if he will clarify the role of an organisation (details supplied). [42423/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): An Bord Pleanála (the Board) was established in 1977, under the Local Government (Planning and Development) Act 1976, primarily to provide for independent consideration of planning authorities' decisions on planning applications in the event that such decisions are appealed.

An applicant for permission, and any person who has made a valid submission or observation on a planning application, may appeal the decision of a planning authority to An Bord Pleanála. An Bord Pleanála, in determining an appeal, reviews the entire case, having regard to the same matters as the planning authority in deciding the application, i.e. the proper planning and sustainable development of the area, having regard to the provisions of the development plan, any submissions or observations received, and relevant Ministerial or Government policies, including any guidelines issued by my Department.

As Minister, I am specifically precluded, under section 30 of the Planning and Development Act 2000 and 2010, from exercising any power or control in relation to any particular case with which a planning authority or An Bord Pleanála is concerned.

Departmental Expenditure

304. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the size of the underspend if any for each of the budget lines or grant-aided projects administered by his Department this year; if each local authority will have spent their various capital grants by the end of the year, and the amount he anticipates will be returned to the Department or not drawn down due to non-completion of projects, delays in delivery or start-up of contracts. [42425/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Revised Estimates for Public Services 2010 provide a capital allocation to my Department for this year of €1,509.103m; capital expenditure to the end of October 2010 is €720.170m. Details of the allocations and spend across the various capital programmes within my Department's remit, which are administered primarily by local authorities, are set out in the following table.

Programme Area	2010 Estimate	Expenditure to End October 2010
	€000	€000
<i>Administration</i>		
A.5 Office Machinery	1,843	782
<i>Housing</i>		
B.1 Social Housing Provision and Support	550,500	211,186
B.2 Local Authority Estate Regeneration and Remedial Works	240,000	72,988
B.3 Private Housing Adaptation Grants and Other Supports	89,500	47,842
<i>Water</i>		
C.1 Water Services	508,000	316,672
<i>Environment</i>		
D.1 Environmental Protection Agency	1,500	592
D.2 Environmental Radiation Policy	304	250
D.4 Carbon Fund	33,223	32,870
<i>Waste Management</i>		
E.2 Landfill Remediation	4,000	1,264
<i>Local Government</i>		
F.2 Fire and Emergency Services	18,000	12,294

[Deputy John Gormley.]

Programme Area	2010 Estimate	Expenditure to End October 2010
	€000	€000
F.3 Local Authority Library and Archive Service	7,300	1,956
F.4 Community and Social Inclusion	1,600	221
F.5 Disability Services	7,700	1,922
<i>Heritage</i>		
G.1 Grant For Heritage Council	4,500	1,912
G.2 Built Heritage	11,500	3,161
G.3 Natural Heritage (NPWS)	14,200	4,060
<i>Planning</i>		
H.3 Urban Regeneration	102	0
<i>Other Services</i>		
I.2 Miscellaneous Services	15,331	10,198
Total	1,509,103	720,170

It is usual that there is significant expenditure from the Vote towards the end of the year and I expect that this will also be the case in 2010. The position in relation to 2010 spending is being monitored closely by my Department, in consultation with local authorities. While it is likely that there will be some capital savings in 2010, it is not possible at this stage to quantify the precise extent of any savings. I do, however, expect that any such amount will be modest relative to the overall capital provision.

Mortgage Arrears

305. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the number of households purchasing homes under the various affordable housing schemes administered by local authorities who are in ongoing arrears of more than six months, 12 months or 18 months in their mortgage repayments; the steps he will take to help mortgage holders and the local authorities to cope with this growing problem. [42434/10]

306. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the consideration that he has given to allowing local authorities to purchase back affordable homes from those who have fallen into arrears of 18 months or more, as a logical use of the house purchasing programme which the councils engage in on an ongoing basis to add to local authority housing lists and thus ensure that those families do not end up homeless and that the council receives income in the form of rent for said properties. [42435/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): I propose to take Question Nos. 305 and 306 together.

The majority of households who purchased under the various affordable housing schemes would have done so using loan finance from a private lending institution. These are essentially private homeowners and my Department does not therefore collect data in respect of the performance of such mortgages.

The Government has put in place a range of supports for home owners facing difficulty in meeting their mortgage repayments including a Code of Conduct on Mortgage Arrears which applies to all mortgage lenders; support from the Mortgage Interest Scheme under the Sup-

plementary Welfare Allowance system; and the provision of advice on debt management through the Money Advice Budgeting Service (MABS).

In addition, the Expert Group on Mortgage Arrears and Personal Debt — which published its interim report in July 2010 — has now submitted its final report to the Minister for Finance. This is expected to include recommendations on further measures to assist such homeowners.

In terms of local authority borrowers, data published in the annual Service Indicators in Local Authorities gives details on local authority mortgage arrears generally, including some mortgages drawn down by households purchasing under the various affordable housing schemes as well as those purchasing under Tenant Purchase. The most recent data from the 2008 Report show local authorities mortgage arrears running at 11.7%.

Section 34 of the Housing (Miscellaneous Provisions) Act 2009 enables a housing authority to enter into an arrangement with a household for the rescheduling of payments of accumulated arrears, including interest, due to it in respect of specified rents, equity charges and loans, where the authority is satisfied that the household would otherwise suffer undue hardship.

Local authorities can and do exercise the powers available to them and endeavour, in all arrears cases, to engage proactively and constructively with a distressed borrower with the aim of enabling a household remain in their home. In addition, I issued comprehensive guidance earlier this year based on the Financial Regulators Code of Practice, to ensure that cases of local authority mortgage arrears are handled in a manner that is sympathetic to the needs of the particular household, while also protecting the position of the local authority concerned. My Department has also been represented on the above-mentioned Expert Group on Mortgage Arrears and Personal Debt.

Where any borrower, either from a local authority or from a private financial institution, is facing difficulties in meeting mortgage repayments, they should engage proactively and constructively with the lender to seek to achieve an agreed solution.

Turbary Rights

307. **Deputy Maureen O’Sullivan** asked the Minister for the Environment, Heritage and Local Government further to Parliamentary Question No. 225 of 4 November 2010, if he will provide the details of each of the number of cases in which his Department, the Environmental Protection Agency or a planning authority has determined that an Environmental Impact Assessment is required for the extraction of peat, pursuant to Directive 85/337/EEC, and the number and details of EIAs undertaken on the basis of such determinations; each case in which his Department, the EPA or a planning authority has determined that an appropriate assessment is required for the extraction of peat, pursuant to Directive 92/43/EEC, and the number and details of appropriate assessments undertaken on the basis of these determinations; and each case in which his Department, the EPA or a planning authority has determined that peat extraction is not an exempted development under Class 17 of Part 3 of Schedule 2 to the Planning and Development Regulations 2001, as amended SI No 600/2001, on the basis that such peat extraction would be likely to have significant effects on the environment. [42459/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): For purposes of consents given under the Planning and Development Acts, it is a matter for the planning authority in question to decide whether or not an Environmental Impact Assessment (EIA) or Appropriate Assessment, in accordance with the Habitats Directive, is required. Similarly, the Environmental Protection Agency (EPA) is responsible for determining whether an EIA and/or Appropriate Assessment is required in relation to its licensing functions.

[Deputy John Gormley.]

My Department collects statistics from planning authorities on the total number of EIA planning applications received in any year, but I am advised that these are not broken down by type of development such as peat extraction. I am not, therefore, in a position to provide the information requested in that regard. My Department does not have information regarding the number of Appropriate Assessments undertaken by Local Authorities, nor does it have information regarding Environmental Impact Assessments and Appropriate Assessments undertaken by the EPA. However, my Department is aware of a number of cases where a determination has been made that EIA is required for proposals relating to turf extraction. I will arrange for details of such cases to be forwarded to the Deputy.

Applications for consent for turf extraction below ten hectares within Special Areas of Conservation and Natural Heritage Areas are decided by me, as Minister, on the basis of the provisions of the European Communities (Natural Habitats) Regulations and the Wildlife Acts. In such circumstances, it is also open to me to require that an Environmental Impact Assessment be carried out where I consider that the proposed activity is likely to have significant effects on the environment.

In my role as a consent authority in this regard, I have refused several requests for consent to extract turf within SACs. I will arrange for details of these requests to be provided to the Deputy as soon as possible.

Following the end of a ten-year grace period granted regarding turf-cutting for domestic purposes in SACs and NHAs, the Government confirmed earlier in 2010 that no further turf extraction should occur in such sites without the explicit consent of the Minister for the Environment, Heritage and Local Government. This applies to 31 raised bog SACs from this year, the remaining 24 raised bog SACs from the end of 2011 and 75 Natural Heritage Areas from the end of 2013. In these sites, appropriate assessment will be required for all such determinations. It will also be open to me to require Environmental Impact Assessment in such cases.

I have no function in determining whether or not a proposal is an exempted development under Class 17 of Part 3 of Schedule 2 to the Planning and Development Regulations 2001.

Departmental Schemes

308. **Deputy Róisín Shortall** asked the Minister for the Environment, Heritage and Local Government the overall savings to the State in each of the years since the inception of the rental accommodation scheme arising from the transfer of tenants to that scheme from the rent supplement scheme. [42478/10]

Minister of State at the Department of the Environment; Heritage and Local Government (Deputy Michael Finneran): The core objectives of the Rental Accommodation Scheme (RAS) are to reform the approach towards providing accommodation within the private rented sector for long-term dependents on rent supplement and to enhance the response of housing authorities to meeting long-term housing need.

Funding for the RAS is provided by a transfer of monies from the Department of Social Protection's (DSP) Vote to my Department's Vote. Monies are provided on an exchequer neutral basis to meet the costs of persons transferring from the Rent Supplement Scheme to the RAS. The issue of savings does not therefore arise.

The total budget for RAS in 2010 is €125 million, which represents a 38.1% increase on the budget provision for 2009 (€90.5m). The €125m budget provided for RAS in 2010 is intended to support the costs of all existing rent supplement households transferred to the scheme pre-

vious to 2010 and to fund the costs of rents of additional new transfers to the scheme during the year.

My Department has supported external review of RAS undertaken by the Centre for Housing Research, as well as undertaking an Interim Value for Money and Policy Review of the scheme. In line with the Department of Finance guidelines on the latter, the completed review has been the subject of an external evaluation and will be published in the New Year.

Water Pollution

309. **Deputy Darragh O'Brien** asked the Minister for the Environment, Heritage and Local Government if there are any environmental standards applicable to the operation of car wash facilities, for example, in relation to water run-off, silt, oil and so on and if stand-alone car wash facilities, not part of a garage, require planning permission. [42513/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under the Water Pollution Acts 1977 and 1990 it is an offence to permit polluting matters to enter waters. The Acts require that discharges of trade effluent to waters or to sewers are licensed by local authorities. In granting a licence, the local authority may attach such conditions as it considers appropriate, for example, covering the nature, composition and volume of discharges.

In addition, regulations made in 2009 and earlier this year as part of the ongoing implementation of the Water Framework Directive establish environmental quality standards and environmental objectives for surface waters and groundwater across a range of substances. Local authorities are required to have regard to these when licensing discharges of trade effluents to waters. Under the Planning and Development Acts 2000-2010 and the associated regulations, all development commenced on or after 1 October 1964 requires planning permission unless specifically exempted. Section 4(1) of the Act, and Article 6 and Schedule 2 of the Regulations, set out certain broad categories of development that are exempted from the requirement to obtain planning permission. There is no specific exemption for car wash facilities.

Local Authority Charges

310. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government if, under the Local Government (Charges) Act 2009, mobile homes, chalets and holiday homes in holiday parks and holiday villages and used primarily for holidays are exempt from paying the non-principal private residence charge; and if he will make a statement on the matter. [42524/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The Government in the Local Government (Charges) Act 2009 broadened the revenue base of local authorities through the introduction of the charge on non-principal private residences. The charge is set at €200 and is being levied and collected by local authorities. With some exemptions, the charge applies to a residential property that is not the sole or main residence of the owner, including holiday homes. Mobile homes do not come within the ambit of the Act.

Any property in respect of which commercial rates are paid is not liable under section 2 of the Act for the non-principal private residence charge.

Proposed Legislation

311. **Deputy Jimmy Deenihan** asked the Minister for the Environment, Heritage and Local

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Government when the climate change Bill will be published; and if he will make a statement on the matter. [42539/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I expect the Bill to be published before the end of the current Dáil term.

Cross-Border Co-operation

312. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Heritage and Local Government the discussions, if any, he has had with his counterpart in the Six Counties in relation to the creation of a public all-Ireland water distribution system (details supplied). [42564/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): There is ongoing co-operation between my Department and the Department of Environment in Northern Ireland and other relevant agencies in a wide range of areas related to the environment. Within the North South Ministerial Council, we have discussed matters mandated under the Good Friday Agreement such as waste, water quality, and environmental research and monitoring. Other important areas of co-operation, outside the remit of the Council, include biodiversity, spatial planning and housing.

Specifically, in the area of water services, the Water Framework Directive requires that, in cross-border river basin districts, Member States must coordinate their activities. On the island of Ireland, three of the eight river basin districts are cross-border districts and the authorities in both jurisdictions have worked closely together in the preparation of the river basin management plans. The primary means of co-ordination is through the North-South Water Framework Directive Coordination Group, comprised of representatives from the implementing authorities in Ireland and Northern Ireland.

The issue of an all-Ireland water distribution system has not been discussed. This does not, however, preclude local authorities in the border regions from co-operating with neighbouring councils in relation to water services.

Building Regulations

313. **Deputy Joe McHugh** asked the Minister for the Environment, Heritage and Local Government in the context of his Department's ongoing review of retail planning guidelines, if he will take views (details supplied) into account; and if he will make a statement on the matter. [42612/10]

314. **Deputy Michael McGrath** asked the Minister for the Environment, Heritage and Local Government the position regarding the review of the retail planning guidelines; and if he will make a statement on the matter. [42615/10]

Minister of State at the Department of Environment, Heritage and Local Government (Deputy Ciarán Cuffe): I propose to take Questions Nos. 313 and 314 together.

I refer to the reply to Question No. 199 of 14 October 2010 which sets out the position in this matter.

Local Authority Housing

315. **Deputy Mary Wallace** asked the Minister for the Environment, Heritage and Local

Government the role available for the members of local authority in the allocation of local authority housing; and if he will make a statement on the matter. [42616/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): Under section 22 of the Housing (Miscellaneous Provisions) Act 2009, which came into operation on 14 June 2010, the making and amendment of an allocation scheme for social housing is a reserved function of the elected members of each housing authority. Section 22(11) provides that the allocation of a dwelling under an allocation scheme is an executive function of the manager of the housing authority concerned.

Waste Management

316. **Deputy Emmet Stagg** asked the Minister for the Environment, Heritage and Local Government if the accumulative surplus of the environment fund, deriving from the landfill levy and plastic bag levy, can be used to fund the removal of illegally dumped waste from a landfill when the operators have effectively abandoned the landfill. [42764/10]

317. **Deputy Emmet Stagg** asked the Minister for the Environment, Heritage and Local Government if the accumulative surplus of the environment fund, deriving from the landfill levy and plastic bag levy, can be used to fund the provision of landfill gas collection infrastructure on landfills when the operators have effectively abandoned the landfill. [42765/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): I propose to take Questions Nos. 316 and 317 together.

Revenues from the levies on plastic shopping bags and the landfill of waste are paid into a 'ring-fenced' Environment Fund, established under the Waste Management (Amendment) Act 2001, and can be used for activities that are of benefit to the environment. The purposes for which the Fund may be used are set out in section 74(9) of the Waste Management Act 1996 (as inserted by section 12 of the Waste Management (Amendment) Act 2001) and the Waste Management (Environment Fund)(Prescribed Payments) Regulations 2003.

It is essential that every effort is made to ensure that those responsible for environmental damage fully meet the costs involved and any question of the State funding any remedial works involved, whether from the Environment Fund or any other source, would fall to be considered in that context.

Departmental Reports

318. **Deputy Deirdre Clune** asked the Minister for the Environment, Heritage and Local Government if he will publish a report (details supplied); and if he will make a statement on the matter. [42790/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): While the Cork Docklands Forum Report, which was submitted to the then Minister for Enterprise, Trade and Employment in 2008, has not been formally published, I understand that the main findings and recommendations of the report are in the public domain.

As stated in the reply to Question No. 104 of 19 October 2010, enabling measures are currently being considered further to progress the development of Cork Docklands in conjunction with Cork City Council and other stakeholders.

Water and Sewerage Schemes

319. **Deputy John O'Mahony** asked the Minister for the Environment, Heritage and Local

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Government the amount of money owed to a body (details supplied) in County Mayo by his Department; when will this money be paid; and if he will make a statement on the matter. [42814/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): My Department has paid Mayo County Council a total of €6.243 million to date in 2010 in respect of water services schemes in the county, against a total claimed of almost €7.1 million. The shortfall is largely due to some claims being adjusted by the Department to comply with approved scheme budgets or to exclude ineligible expenditures.

My Department is currently examining claims on hands with a value of about €2 million and it is expected that the eligible payments will be made before the end of the year. In addition, my Department is examining the final accounts for a total of 14 water services schemes on which monies may be owed to the Council. The Department also awaits the final accounts on a further two schemes. It is not possible to declare the amount of monies still owed to the Council on all such schemes until the Department has assessed the final accounts in each case and agrees the final outturn figures for each scheme with the Council.

Under my Department's 2010 Rural Water Programme, Mayo County Council has been notified of a block grant allocation of €14.610 million. To date, €9.525 million of this amount has been paid to the Council. The balance will be paid when my Department is satisfied that any payment claims, either already received or which will be received in good time for payment this year, are due to the Council and in order for payment.

Planning Issues

320. **Deputy Denis Naughten** asked the Minister for the Environment, Heritage and Local Government his plans to review legislation regarding the licensing of outdoor events for less than 5,000 persons; if his attention has been drawn to the lack of control associated with such events; and if he will make a statement on the matter. [42825/10]

Minister of State at the Department of Environment, Heritage and Local Government (Deputy Ciarán Cuffe): Section 230 of the Planning and Development Act 2000 provides that a licence is required in respect of the holding of an event, or class of event prescribed under Part 16 of the Planning and Development Regulations 2001 (Licensing of Outdoor Events).

While I have no specific proposals for review, I will continue to keep the operation of Part XVI of the 2000 Act under scrutiny to ensure its effective operation.

Local Authority Services

321. **Deputy Noel Greally** asked the Minister for the Environment, Heritage and Local Government if he will clarify the response (details supplied) from Galway County Council to a company that wishes to be included on the panel of topographical surveyors is correct; if it is his policy to retain a panel for five years, particularly given the current economic climate where prices for such services have dropped significantly; and if he will make a statement on the matter. [42885/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The detailed terms and conditions under which public authorities may enter into framework agreements, and contracts based on agreements, are set out in Regulations 33, 34 and 35 of the European Communities (Award of Public Authorities' Contracts) Regulations 2006, which were made by the Minister for Finance. The duration of a framework agreement may not

generally exceed 4 years. It is a matter for local authorities as contracting authorities to implement public procurement procedures in accordance with the relevant legislative requirements.

Building Regulations

322. **Deputy Joe Carey** asked the Minister for the Environment, Heritage and Local Government his plans to introduce regulation with regard to issuing building energy rating certificates; and if he will make a statement on the matter. [42894/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): The European Communities (Energy Performance of Buildings) Regulations 2006 — 2008, which transposed Directive 2002/91/EC on the energy performance of buildings into Irish law, require a Building Energy Rating (BER) certificate to be obtained prior to a building being offered for sale or letting, or prior to a newly commissioned building being occupied for the first time.

The Sustainable Energy Authority of Ireland (SEAI), as the designated issuing authority under the regulations, is responsible for the day to day administration of the BER scheme. The assessment of buildings must be carried out by independent BER assessors who are registered with SEAI.

The primary purpose of the BER certificate and advisory report is to enable prospective purchasers or tenants to take a building's energy performance into account when deciding on whether to avail of a building offered for sale or letting.

In response to the growing importance of energy considerations across member states, a new Directive (2010/31/EU) on the energy performance of buildings was adopted earlier this year and came into force on 9 July 2010.

The deadline for the transposition of Directive 2010/31/EU is 9 July 2012. While Ireland's existing arrangements for BER certification address many of the requirements of Directive 2010/31/EU some modifications and enhancements will be required. In this regard a transposition plan is currently being prepared by my Department which it is intended will be the subject of public consultation prior to being communicated to the European Commission well in advance of the deadline for transposition.

Local Authority Housing

323. **Deputy Joanna Tuffy** asked the Minister for the Environment, Heritage and Local Government his plans to extend the rent to buy scheme, currently used by Dublin City Council, to all local authorities; and if he will make a statement on the matter. [42929/10]

Minister of State at the Department of the Environment; Heritage and Local Government (Deputy Michael Finneran): In the early part of 2009 local authorities had an estimated 3,700 unsold affordable housing units on hands. Very considerable progress has been made on both the sale of affordable housing and the deployment of unsold affordable homes for other purposes, including temporary use under the social leasing or RAS schemes. As of now, there are approximately 640 affordable units available for sale or transfer. While sale remains the preferred outcome, local authorities continue to have available to them a range of options to bring these units into effective use and are supported in this regard by my Department and the Housing and Sustainable Communities Agency. I have no immediate plans to introduce a general rent-to-buy scheme across all local authorities because I do not believe such a scheme is needed in areas where there are only very small numbers of unsold units on hand. However,

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Dublin City Council, following approval by my Department, has recently launched a pilot scheme of “Rent to Buy” for a number of unsold affordable homes in three developments in Dublin City. I have asked Dublin City Council to prepare and submit a report on the operation of the pilot before the end of this year. This pilot will be reviewed before deciding whether it is appropriate to make such a scheme available in any other local authority area where there are significant numbers of unsold affordable homes.

324. **Deputy Jimmy Deenihan** asked the Minister for the Environment, Heritage and Local Government the reason rental accommodation scheme landlords are exempt from the second home non principal private residence levy; in view of the fact that their income is guaranteed every month, whereas other landlords have vacant properties not earning rent, for which they owe the second home levy; and if he will make a statement on the matter. [42931/10]

Minister of State at the Department of the Environment; Heritage and Local Government (Deputy Michael Finneran): I refer to the reply to Question Nos. 205 and 222 of 3 November 2010, which sets out the position on this matter.

Library Projects

325. **Deputy Paul Connaughton** asked the Minister for the Environment, Heritage and Local Government the position regarding the proposed new library in Ballinasloe, County Galway; the size of the project; if a design has been submitted; if the project has been costed; if an opportunity will be given to local interest groups to have an input in the design of the building; and if he will make a statement on the matter. [42932/10]

Minister of State at the Department of the Environment; Heritage and Local Government (Deputy Michael Finneran): In early July 2010 I announced approval of a new two year Capital Programme for Public Libraries 2010-2011, amounting to €7.3 million in 2010, which will contribute towards the development and refurbishment of a range of public libraries throughout the country. I also announced that, subject to public finances being available in 2011, a new library in Ballinasloe, Co.Galway, would receive grant aid. Proposals for this new library covering 800 sq metres at an estimated cost of some €4 million, have now been submitted by Galway County Council and are currently being considered by my Department and An Chomhairle Leabharlanna (The Library Council). The question of input by local interest groups, with regard to the design of the building, should be raised directly with the local authority.

Urban Renewal Schemes

326. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government the reason for the delay in his Department forwarding funds to Dublin City Council in respect of a regeneration project (details supplied); and if he will make a statement on the matter. [42953/10]

Minister of State at the Department of the Environment; Heritage and Local Government (Deputy Michael Finneran): My Department is awaiting information from Dublin City Council on a number of design and costing issues for the project in question. As with all Social Housing Investment Programme projects, it will be a matter for the housing authority, in this case Dublin City Council, to progress this proposal in accordance with the usual conditions, and to manage its delivery in the context of its overall social housing investment programme and having regard to its available funding resources.

Fire Stations

327. **Deputy Brian O'Shea** asked the Minister for the Environment, Heritage and Local Government the position regarding the provision of the new fire station for Waterford City; and if he will make a statement on the matter. [42972/10]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs and the provision of premises, is a statutory function of individual fire authorities under section 10 of the Fire Services Act 1981. My Department's role is one of supporting and assisting local authorities in delivering fire services through setting of general policy and the provision of funding under the fire service capital programme.

The provision of funding by my Department in respect of a proposal to construct a purpose built headquarter fire station at Kilbarry Road, Waterford City will be considered under future capital programmes within the constraints of available resources, and will have regard to the fire authority's priorities, the spread of existing facilities and the totality of requests from other fire authorities for available funding.

Natural Heritage Areas

328. **Deputy Beverley Flynn** asked the Minister for the Environment, Heritage and Local Government the percentage of agricultural land which has been classified as a designated area; if this exceeds the percentage indicated by the EU as desirable on a county basis; and if he will make a statement on the matter. [43029/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Approximately 14% percent of the total onshore area of Ireland is designated as candidate Special Areas of Conservation (cSACs), Special Protection Areas (SPA's) or Natural Heritage Areas (NHAs). This includes lakes and rivers. The percentage of agricultural land included in designated sites is not available in my Department.

Departmental Properties

329. **Deputy David Stanton** asked the Minister for the Environment, Heritage and Local Government the number of legal actions relating to Haulbowline taken by or against his Department since it took over control of the site in 2003; the cost of each action to the State; and if he will make a statement on the matter. [43030/10]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Under a Government Decision of June 2003, my Department was charged *inter alia* with coordinating all legal actions in relation to the former Irish Ispat site at Haulbowline, Co. Cork. Accordingly, the Minister for the Environment, Heritage & Local Government has been a party to a number of legal cases relating to the site.

In June 2001, Irish ISPAT Limited went into voluntary liquidation and Mr. Ray Jackson of KPMG was appointed liquidator of the company. In June 2002, Mr. Jackson initiated proceedings under section 290 of the Companies Act 1963 to disclaim both the lease in respect of the site and the Integrated Pollution Control (IPC) licence in respect of the operation of the steelworks.

The State, acting through the Ministers for the Environment, Heritage & Local Government; Defence; and Communications, Marine and Natural Resources took counter-proceedings under sections 57 and 58 of the Waste Management Act 1996 seeking orders requiring the liquidator

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to carry out remediation works (section 57) or to have the costs of the remediation included as a debt against the liquidation (section 58).

In February 2003, the liquidator exercised a break clause in the lease, and gave three months' notice. He was constrained to remain on site until 18 June 2003 by way of an interlocutory injunction pending the removal of radioactive materials, at which point the site reverted to the State.

The liquidator successfully disclaimed the IPC licence as the judgment in the High Court on 29 July 2004 found that, as a matter of fact, the IPC licence was granted after the company had ceased production of steel and that the conditions of the licence could not be applied retrospectively. The State was also unsuccessful in its attempts to have the remediation costs enforced as costs of the liquidation.

In 2009, the Hammond Lane Metal Company Ltd initiated proceedings against the Minister for the Environment, Heritage & Local Government in the High Court (Commercial) seeking to recover €8.1m plus further damages to be awarded at the discretion of the Court in respect of invoices relating to a series of unauthorised works by sub-contractors of Hammond Lane in early summer 2008 and for which my Department refused payment. Without admission of liability on the part of the Minister, full and final settlement of all issues, claims and disputes made in the proceedings in the sum of €1.8m plus costs was agreed in April 2010 and accordingly the proceedings were struck out. Plaintiff's costs were in the sum of €378,784.25.

Information on the State's costs in cases such as this is not available in my Department as these are covered by the Office of the Chief State Solicitor.

Energy Prices

330. **Deputy Eamon Gilmore** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the fact that the cost of E85 bio ethanol has increased by 24% in price in less than 11 months, which is far in excess of any inflation figures; the reason for this increase; and if he will make a statement on the matter. [42390/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I am aware that the price of E85 fuel, which is a fuel blend made up of 85% ethanol has risen sharply in the past year. The oil market is fully deregulated and the Commission for Energy Regulation has no function in the setting of prices.

Ethanol can be produced from a number of different commodities all of which are globally traded, and which vary significantly in price from time to time. Furthermore, shifts in currency can have a dramatic effect on prices. In recent months, a combination of changes in currency and a dramatic increase in the price of commodities, such as wheat, have led to substantial increases in the price of ethanol.

Alternative Energy Projects

331. **Deputy Aengus Ó Snodaigh** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the Spirit of Ireland proposals and the steps he has taken to analyse the proposals and if he has taken same to the Cabinet table for discussion on funding; and if he will make a statement on the matter. [42546/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): Both I and my Department are kept apprised of developments by the promoters in relation to the Spirit of Ireland proposal for National energy power stations combining commercial wind farms

and pumped hydro storage reservoirs. The proposal, which is being developed as a merchant project by a new commercial entity, National Hydro Energy, envisages that the power generated by the project would be delivered to Ireland's grid and to the UK. My Department will continue to maintain contact with the promoters who have not, to date, made any specific proposals in relation to funding.

Legislative Programme

332. **Deputy Darragh O'Brien** asked the Minister for Communications, Energy and Natural Resources if he will provide an update on the progress with the Postal Amendment Bill; and if he will make a statement on the matter. [42411/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Third Postal Services Directive provides for the final step in the gradual and controlled opening of the postal services market to competition and ensuring the continuing provision of a universal postal service. Legislation to transpose this Directive has been drafted and, subject to Government approval, I plan to publish the Communications Regulation (Postal Services) Bill, 2010, in the very near future.

The issues for Ireland arising from the Directive have been widely and comprehensively consulted upon, and as with all legislative proposals, a regulatory impact analysis was conducted. In designing the new regulatory framework, the key principles are the maintenance of a universal postal service and the development of a competitive sector providing competitively priced, high quality postal services to both business and residential customers.

I look forward to the debate on the draft legislation when it is published, and will be working towards having it enacted before the end of the year.

Broadcasting Services

333. **Deputy Liz McManus** asked the Minister for Communications, Energy and Natural Resources if he will provide an update on the report from an independent consultant into free to air rugby matches; the timeframe for the publication of this report; if there will be a penalty imposed for the late delivery of this report; when he expects to make a decision on this issue; the cost of this report; and if he will make a statement on the matter. [42439/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): On 30th April last I set out proposals for a limited extension of the sporting events which are designated free-to-air and invited submissions on those proposals. I also decided that the final decision on this matter will be informed by an independent analysis of the financial and other impacts of listing each event. Indecon International Consultants were commissioned to do this report and I can confirm that the report has been submitted to my Department. The value of the contract is €73,387.

The report was delivered yesterday in accordance with the timelines agreed between Indecon and my Department as the process progressed and these timelines reflected the need to ensure that relevant rights-holders were given the opportunity to present their cases fully during the process. The question of a late delivery penalty, therefore, does not arise.

After consideration of the Indecon report and other submissions received, I will revert to Government with definitive proposals. Subsequent to Government consideration of the matter, I am required under the AVMS Directive to inform the EU Commission of any changes to the events to be designated. The Commission has a period of three months to verify that the list is compatible with Community Law, to notify other Member States and to seek the opinion of

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the Committee established pursuant to the Directive. Any designation will only be effective after the Commission has published the list in the Official Journal.

I confirm that I propose to publish all the submissions and the final report at the end of the process, subject to the usual considerations including, inter alia, protection of commercially confidential information that has been made available to me.

334. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources the number of meetings he has had with the Broadcasting Authority of Ireland and or national or local radio interests in the past three and a half years; and if he will make a statement on the matter. [42484/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I have met with the Broadcasting Authority of Ireland on numerous occasions since its establishment under the Broadcasting Act 2009. Prior to that I also met with the Broadcasting Commission of Ireland. I meet regularly with national and local radio interests as part of my ministerial responsibilities.

Telecommunications Services

335. **Deputy Bernard J. Durkan** asked the Minister for Communications, Energy and Natural Resources if he has a view or realisation of the importance of the telecommunications system from an economic point of view; if he has in the past or in recent times inquired of the regulator or the service providers with a view to determination as to whether the quality, coverage and availability of all such services is up to EU standards; and if he will make a statement on the matter. [42486/10]

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” incorporates relevant provisions in the Government’s Framework for Sustainable Economic Renewal ‘Building Ireland’s Smart Economy’, which recognises broadband as a key enabling infrastructure for the knowledge-intensive services and activities on which future prosperity will increasingly depend.

The telecommunications market in Ireland is fully liberalised and is regulated by the independent market regulator, ComReg. ComReg publishes quarterly statistical reports on developments in the fixed-line, mobile and broadband communications markets.

These reports, among other things, demonstrate the significant progress in broadband roll out and increasing broadband speeds in Ireland 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 and narrowband connections had reduced to less than 5% of all Internet connections. 85.8% of SMEs are now using broadband speeds between 2mbps and 10mbps and of the homes with broadband access, 77.8% of them are also using broadband speeds between 2mbps and 10mbps. The year-on-year growth in subscriptions over the preceding 12-month period from June 2009 was over 16.5%. Internationally, Ireland ranks 11th of the EU 27 for per-capita broadband penetration (composite fixed and mobile), 4th for mobile only penetration, and 14th for fixed broadband penetration.

I signalled last month that I have commenced the establishment of a Next Generation Broadband Taskforce to consider how best to facilitate the roll-out of next generation broadband services in Ireland.

Broadcasting Services

336. **Deputy Paul Gogarty** asked the Minister for Communications, Energy and Natural Resources given that he has signed an order under the Broadcasting Act 2009 requiring RTE to ensure that their free to air digital terrestrial television service is operational and available to 90% of the population by 31 October 2010; if this is now the case; the information being actively provided by his office, ComReg, RTE and others informing customers about the rollout and the way to tune in and so on; and if he will make a statement on the matter. [42542/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): It is the responsibility of my Department, in conjunction with RTE, the Broadcasting Authority of Ireland (BAI), ComReg and other stakeholders to progress the digital switch-over process so that it meets the 2012 timeline for analogue switch off.

Accordingly, I imposed, by order, a requirement on RTÉ to make its public service DTT multiplex available to 90% of the population from 31 October 2010. RTE launched the DTT trial service, Saorview, to 90% of the population on the 29th October 2010. This trial service is available to the public and currently broadcasts RTE1, RTE Two, TV3, TG4 and the RTÉ News Now service. RTÉ is proposing a full national launch in the second quarter of 2011. Further information on the RTÉ DTT service is available on www.saorview.ie. Information on the launch is also available from the DCENR website www.digitaltelevision.ie.

I believe that this RTE trial service is essential as it provides time for the DTT network to be completed, services to be fully developed and for additional content and receivers to be made available. It also means that TV viewers can choose to adopt the new service at the earliest opportunity.

I have also developed a steering group, chaired by my Department and comprising members from RTE, BAI, ComReg and other stakeholders, in order to progress the digital switch-over process and to ensure that information and advice is made available to TV viewers in a timely and cost-effective manner.

EU Regulations

337. **Deputy Charlie O'Connor** asked the Minister for Communications, Energy and Natural Resources if he will confirm when he now proposes to submit the renewable energy feed-in tariff proposal to Brussels for approval and when he expects to confirm details of the proposal to the general public; and if he will make a statement on the matter. [42581/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The application for State Aid Clearance in relation to REFIT for energy from biomass was submitted by my Department to the European Commission earlier this month.

My Department estimates that it will take some months for the State Aid Clearance to be finalised and approved by the European Commission. I expect that I will be in a position to announce implementation of the tariffs in the first quarter of 2011.

Broadband Provision

338. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources if he will respond to the unanimous resolution of Donegal County Council on 27 September calling on him to introduce 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 the Information System's Department in Donegal

[Deputy Joe McHugh.]

County Council have a recognised input into the project; and if he will make a statement on the matter. [42609/10]

339. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources his views on the terms of the National Broadband Scheme contract, which require 3 to have provided coverage in all 1,028 electoral divisions (EDs) by end of October 2010; if he acknowledges that large sections of the electoral divisions are still without broadband coverage in November 2010; if he has engaged with 3 on this matter since 1 November 2010; and if he will make a statement on the matter. [42610/10]

340. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources if he will provide a full report from 3 regarding broadband coverage in the 52 Donegal electoral districts that participate in the national broadband scheme; and if he will make a statement on the matter. [42611/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 338 to 340, inclusive, together.

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 provision of broadband services under the NBS advanced incrementally over a 22 month period and services are now available throughout the entire NBS area. A list of the 52 EDs covered by the NBS in County Donegal, together with the relevant broadband coverage details is provided in the table below. My Department and its external consultants actively monitor coverage within the NBS areas. In summary, broadband services in the NBS EDs in County Donegal are available to 98.55% of premises by means of mobile wireless broadband coverage, with coverage to the balance of 1.45% of premises being provided by way of satellite.

It continues to be a priority of the Government that there will be broadband coverage across the entire country. However, despite Government and private investment in broadband, I am aware that there continues to be a small percentage of premises throughout the country that will not be capable of receiving broadband services. This is primarily due to technical and other reasons (suitability of a telephone line, distance from an enabled exchange, no line of sight etc.).

The European Commission has set aside a portion of the European Economic Recovery Programme (EERP) funding for rural broadband initiatives. Using this funding, which will be augmented by an Exchequer contribution, I intend to formally launch a Rural Broadband Scheme before the end of this year. This scheme will aim to provide a basic broadband service to individual un-served rural premises outside of the NBS areas.

There will be a competitive process to engage a service provider who will offer a broadband service to qualified applicants under the scheme. While the exact details have yet to be finalised, I expect that the service offered under this scheme would at least match the service offered under the NBS. This process will be technology neutral — it will be a matter for the bidders to decide which technical approach they propose in their bids.

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.

I am satisfied therefore that between the services being provided by the commercial operators, the service now available through the NBS and the forthcoming RBS which will target individual un-served premises, the county of Donegal will very shortly be fully served from a broadband perspective.

NBS Coverage Details in County Donegal

Electoral Division Name	ED Ref	Total Fixed Residences and Fixed Businesses	I-HSPA Mobile Wireless Coverage (quantity)	I-HSPA Mobile Wireless Coverage (%)	I-HSPA Dongle only Coverage	I-HSPA Dongle and Repeater Coverage	I-HSPA Dongle and External Antenna Repeater Coverage	Satellite Coverage (quantity)	Satellite Coverage (%)
ALTNAPASTE	57001	182	169	92.86%	120	46	3	13	7.14%
ARAN	57003	438	437	99.77%	273	163	1	1	0.23%
ARDMALIN	57005	524	516	98.47%	373	125	18	8	1.53%
ARDS	57006	771	771	100.00%	402	369	0	0	0.00%
BALLINTRA	57007	370	370	100.00%	233	137	0	0	0.00%
BALLINTRA	57008	605	605	100.00%	389	213	3	0	0.00%
BALLYSHANNON URBAN	57012	1320	1,320	100.00%	1192	128	0	0	0.00%
BINBANE	57014	107	106	99.07%	55	51	0	1	0.93%
CARROWKEEL	57025	509	489	96.07%	162	292	35	20	3.93%
CARTHAGE	57026	454	447	98.46%	268	169	10	7	1.54%
CAVANGARDEN	57031	161	161	100.00%	99	60	2	0	0.00%
CHURCH-HILL	57032	194	186	95.88%	168	14	4	8	4.12%
CLIFF	57033	100	86	86.00%	32	47	7	14	14.00%
CLOGHAN	57034	403	403	100.00%	337	62	4	0	0.00%
CLOGHER	57036	353	352	99.72%	81	268	3	1	0.28%
CREENASMEAR	57043	148	148	100.00%	74	65	9	0	0.00%
CREESLOUGH	57044	507	507	100.00%	302	201	4	0	0.00%
CROVEHY	57046	97	96	98.97%	36	60	0	1	1.03%
DOE CASTLE	57052	133	133	100.00%	108	25	0	0	0.00%
DUNAFF	57056	417	416	99.76%	309	102	5	1	0.24%
DUNLEWY	57060	447	437	97.76%	250	182	5	10	2.24%
EANYMORE	57061	304	304	100.00%	176	127	1	0	0.00%
FANAD NORTH	57064	437	435	99.54%	356	79	0	2	0.46%
FANAD WEST	57065	282	282	100.00%	194	86	2	0	0.00%
FEDDYGLASS	57066	216	216	100.00%	72	139	5	0	0.00%
FINTOWN	57068	183	183	100.00%	76	102	5	0	0.00%
GARTAN	57069	89	86	96.63%	77	7	2	3	3.37%

NBS Coverage Details in County Donegal — *continued*

Electoral Division Name	ED Ref	Total Fixed Residences and Fixed Businesses	I-HSPA Mobile Wireless Coverage (quantity)	I-HSPA Mobile Wireless Coverage (%)	I-HSPA Dongle only Coverage	I-HSPA Dongle and Repeater Coverage	I-HSPA Dongle and External Antenna Repeater Coverage	Satellite Coverage (quantity)	Satellite Coverage (%)
GLEN	57070	261	259	99.23%	151	105	3	2	0.77%
GLENALLA	57071	218	218	100.00%	134	82	2	0	0.00%
GLENLEHEEN	57076	108	93	86.11%	28	50	15	15	13.89%
GORTAHORK	57081	1017	1,017	100.00%	736	275	6	0	0.00%
GRAFFY	57083	121	71	58.68%	4	44	23	50	41.32%
GROUSEHALL	57086	38	30	78.95%	15	13	2	8	21.05%
INISHKEEL	57090	76	43	56.58%	0	30	13	33	43.42%
KILGOLY	57094	306	275	89.87%	222	49	4	31	10.13%
KILLYMASNY	57099	203	203	100.00%	137	66	0	0	0.00%
LAGHY	57104	381	381	100.00%	271	108	2	0	0.00%
LETTERMACAWARD	57108	548	548	100.00%	480	66	2	0	0.00%
LOUGH EASK	57110	84	82	97.62%	38	42	2	2	2.38%
MAAS	57112	217	217	100.00%	151	66	0	0	0.00%
MALIN	57116	448	448	100.00%	209	236	3	0	0.00%
MALINBEG	57117	274	264	96.35%	179	70	15	10	3.65%
MEENACLADY	57119	943	940	99.68%	821	114	5	3	0.32%
MEENCARGAGH	57120	50	50	100.00%	16	34	0	0	0.00%
PETTIGOE	57126	256	255	99.61%	146	107	2	1	0.39%
SEACOR	57134	33	33	100.00%	21	12	0	0	0.00%
ST JOHNSTOWN	57135	616	616	100.00%	245	371	0	0	0.00%
TAWNAWULLY	57139	153	153	100.00%	92	61	0	0	0.00%
TEMPLECARN	57140	65	65	100.00%	40	25	0	0	0.00%
TEMPLEDOUGLAS	57141	356	356	100.00%	268	87	1	0	0.00%
TERMON	57142	228	226	99.12%	173	50	3	2	0.88%
TULLYNAUGHT	57146	259	259	100.00%	107	151	1	0	0.00%
		17,010	16,763	98.55%	10,898	5,633	232	247	1.45%

Electric Vehicles

341. **Deputy Lucinda Creighton** asked the Minister for Communications, Energy and Natural Resources the progress he has made towards reaching his target of 10% electric motoring by 2020; the amount spent on working towards this target to date; and if he will make a statement on the matter. [42752/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Government has set a target of 10% of all vehicles to be powered by electricity by 2020, which equates to around 225,000 vehicles. Ireland aims to be at the forefront of electric vehicle technology developments and my Department is working with relevant Departments and Agencies to ensure that the necessary structures and initiatives are in place to meet this target.

Last April I signed an Agreement with the Renault-Nissan Alliance and ESB, which underpins Ireland as one of the European leaders in electric transport. The Agreement, building on the Memorandum of Understanding last year, includes the development of a nationwide electric car charging infrastructure, the continued sharing of technical and market data between the parties and the early supply of electric cars into the Irish market by Renault and Nissan from next year.

Progress has also been made in discussions with other major motor manufacturers to make early production vehicles available to the Irish market. Last month, I signed a Memorandum of Understanding with Toyota Ireland and I expect that other agreements will be developed in the foreseeable future.

The Electric Vehicle (EV) grant scheme, which is due to commence in January 2011, will provide for grants of up to €5,000 for full battery electric vehicles and up to €2,500 for plug in hybrid electric vehicles. This scheme, which is subject to the approval of the Minister for Finance and availability of the requisite resources, is anticipated to provide grants for up to 6,000 vehicles over a two year period. It will be administered by the Sustainable Energy Authority of Ireland (SEAI).

In February 2011, Nissan will begin to supply its all-electric, LEAF hatchback to the car market in Ireland. A number of other car manufacturers have indicated that they will also be launching electric vehicles into the market later in 2011 and in 2012.

The ESB will roll out 1,500 charge points on a nationwide basis by December 2011. These charge points will support both battery electric vehicles (BEVs) and plug in hybrid electric vehicles (PHEVs). The rollout has already begun with 12 on street charge points, 15 domestic charge points and 13 industrial chargers are already installed. The roll-out of these charge points is continuing, in anticipation of the first production EVs from major manufacturers coming to market in early 2011. It is anticipated that approximately 200 public charge points will be in place by year end. ESB also plans to install up to 30 fast charge points across Ireland by the end of 2011, with nine expected to be set up by the end of this year.

SEAI provided grants of 138,000 euro for eight demonstration EVs in 2009 under its Renewable Energy in Transport Research Programme. Approximately 30,000 euro has been committed by SEAI on IT systems updates in anticipation of the Electric Vehicle Grant Scheme.

Telecommunications Services

342. **Deputy Margaret Conlon** asked the Minister for Communications, Energy and Natural Resources if he will provide information in relation to the provision of broadband to a person (details supplied) in County Monaghan; and if he will make a statement on the matter. [42859/10]

343. **Deputy Margaret Conlon** asked the Minister for Communications, Energy and Natural Resources if he will provide information in relation to the provision of broadband to a person (details supplied) in County Monaghan; and if he will make a statement on the matter. [42860/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 342 and 343 together.

The provision of broadband services is in the first instance a matter for private sector service providers operating in Ireland's fully liberalised telecommunications market. Broadband services are provided by private service providers over various platforms including DSL (i.e. over telephone lines), fixed wireless, mobile, cable, fibre and satellite.

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.

Prior to the commencement of the NBS a detailed mapping exercise was carried out to help determine those areas that would be included in the scheme and those which, by virtue of being already substantially served by existing broadband suppliers, could not be included.

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.

That mapping exercise found that at least one existing broadband supplier was already active in the area referred to in the Deputy's Questions and consequently the locality was excluded from the Scheme. Details of broadband services available in each county can be found on ComReg's website at www.callcosts.ie.

It continues to be a priority of the Government that there will be broadband coverage across the entire country. However, despite Government and private investment in broadband, I am aware that there continues to be a small percentage of premises throughout the country that will not be capable of receiving broadband services. This is primarily due to technical and other reasons (suitability of a telephone line, distance from an enabled exchange, no line of sight etc.).

The European Commission has set aside a portion of the European Economic Recovery Programme (EERP) funding for rural broadband initiatives. Using this funding, which will be augmented by an Exchequer contribution, I intend to formally launch a Rural Broadband Scheme before the end of this year. This scheme will aim to provide a basic broadband service to individual un-served rural premises outside of the NBS areas.

There will be a competitive process to engage a service provider who will offer a broadband service to qualified applicants under the scheme. While the exact details have yet to be finalised, I expect that the service offered under this scheme would at least match the service offered under the NBS. This process will be technology neutral — it will be a matter for the bidders to decide which technical approach they propose in their bids.

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.

344. **Deputy Margaret Conlon** asked the Minister for Communications, Energy and Natural Resources if he is in a position to provide information in relation to provision of broadband to a person (details supplied) in County Monaghan; and if he will make a statement on the matter. [42861/10]

345. **Deputy Margaret Conlon** asked the Minister for Communications, Energy and Natural Resources if he will provide information in relation to the provision of broadband to a person

[Deputy Margaret Conlon.]

(details supplied) in County Monaghan; and if he will make a statement on the matter.
[42862/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): I propose to take Questions Nos. 344 and 345 together.

I am informed that the localities referred to in the Deputy's Questions are both covered by the National Broadband Scheme (NBS).

Broadband services are now available from the NBS Service Provider, Hutchison 3G Ireland Ltd (3), throughout the entire NBS coverage area, including the designated Electoral Divisions (EDs) in County Monaghan. A full list of the NBS EDs in County Monaghan is detailed in the table below.

In addition, 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 Monaghan.

National Broadband Scheme (NBS)

Electoral Divisions (ED) Covered by the NBS in County Monaghan

ED Name	ED Reference No.
AGHABOG ED	177001
ANNAYALLA ED	177003
BELLATRIN ED	177009
BOCKS ED	177010
BROOMFIELD ED	177012
CARRICKASLANE ED	177014
CARRICKATEE ED	177015
CHURCH HILL ED	177021
CORMEEN ED	177026
CREEVE ED	177028
CREMARTIN ED	177029
CROSSALARE ED	177030
CURRIN ED	177031
DERRYGORRY ED	177033
DRUM ED	177035
DRUMCARROW ED	177037
DRUMGURRA ED	177038
DRUMMULLY ED	177040
GLASLOUGH ED	177046
GREAGH ED	77047
KILLEEVAN ED	177049
KILLYNENAGH ED	177051
KILMURRY ED	177053
LARAGH ED	177055
MULLYASH ED	77060
NEWBLISS ED	177061
SHANMULLAGH ED	177065
SHESKIN ED	177066
TEHALLEN ED	177069

Post Office Bill Payment

346. **Deputy Olwyn Enright** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the concerns of persons, who make small but regular payments in their post offices, since Eircom introduced a €20 minimum payment for the payment of bills; if his Department has raised this issue with the company; and if he will make a statement on the matter. [43042/10]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The regulation of telecommunications operators, including regulatory issues surrounding billing by operators, is the responsibility of the Commission for Communications Regulation (ComReg) in accordance with its functions under the Communications Regulation Act 2002.

Eircom has indicated to ComReg that it is in ongoing discussions with An Post on issues arising from the over-the-counter payment service available at post offices which resulted in Eircom introducing a minimum €20 payment for transactions using this service. Eircom has pointed out to ComReg that it continues to offer its customers facilities to pay bills by agreed instalments at levels below the minimum €20 payment imposed on over-the-counter service. The alternative payment options include An Post's Household Budget scheme, retail outlets nationwide, which operate the Payzone, Paypoint or Postpoint schemes and payments by electronic means. Eircom has advised ComReg that it has notified these alternatives to its customers.

Grant Payments

347. **Deputy Edward O'Keeffe** asked the Minister for Agriculture, Fisheries and Food if he will expedite a payment in respect of a person (details supplied) in County Cork. [42408/10]

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 12 May 2010. The advance payment under the Single Payment Scheme issued on the 18 October 2010 on the basis of the land cleared at that stage. While a number of parcels listed on the application required re-digitisation, as this process is now complete, full payment in respect of the Disadvantaged Areas Scheme will also issue shortly. The balancing payments under the Single Payment Scheme are scheduled to commence issuing as and from 1 December.

348. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their area aid payment; and if he will make a statement on the matter. [42409/10]

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 10 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.

[Deputy Brendan Smith.]

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.

349. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their cow suckler payment; and if he will make a statement on the matter. [42410/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named registered 18 animals under the 2009 Suckler Welfare Scheme.

Payment issued for 16 of these animals early 2010 and errors have been identified with the remaining two animals. A letter has issued to the person named outlining the position in respect of these two animals and a response is awaited.

350. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their area aid payment; and if he will make a statement on the matter. [42412/10]

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 12 May 2010. While there were a number of land parcels declared on the application that required re-digitisation, as this is now completed, the application is fully clear for payment and, as a result, the advance of the Single Payment issued yesterday, with full payment under the Disadvantaged Areas Scheme due to issue in the coming days. The balancing payments under the Single Payment Scheme are scheduled to commence issuing as and from 1 December.

Proposed Legislation

351. **Deputy Joanna Tuffy** asked the Minister for Agriculture, Fisheries and Food the position regarding the Animal Welfare Bill; and if he will make a statement on the matter. [42444/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Preparation of the Animal Health and Welfare Bill, which gives effect to commitments in the Programme for Government and the Renewed Programme for Government on issues relating to animal health and welfare is ongoing in my Department. The new Bill will consolidate and update a wide range of existing legislation to ensure that the welfare of all animals, including non-farm animals, is properly protected and that the penalties for offenders are increased significantly. The consolidation of legislation into a single statute should prove considerably more convenient to all those who deal with or have an interest in animal health and welfare matters.

I propose to submit the proposed heads of this bill to the Government at an early date.

Grant Payments

352. **Deputy Enda Kenny** asked the Minister for Agriculture, Fisheries and Food if area aid payments have been continuously issued to a herd number (details supplied) since the start of 2008; if area payments are still being made; the method of payment and if payment is still being claimed; and if he will make a statement on the matter. [42450/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application for the 2008 Single Payment Scheme/Disadvantaged Areas Scheme was received under the herd number given above and was processed in full. Unfortunately, the herd owner in question died before the payments could issue. Appropriate documentation confirming the beneficiaries of the Estate, including relevant bank account details, are required before these payments can be released to the Estate of the deceased. There is no record of an application in respect of the 2009 Single Payment Scheme/Disadvantaged Areas Scheme having been received in my Department. An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received in the name of the “Reps. of the Deceased”. As there are a number of issues that need to be resolved before this application can be processed, officials of my Department have been in contact with the legal representatives of the Estate in an attempt to resolve matters.

353. **Deputy Beverley Flynn** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Mayo received a reduced rate single payment and when will they be awarded the balance of their moneys. [42451/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Schemes/Disadvantaged Areas Scheme was received from the person named on 15 April 2010. The advance of the Single Payment, which issued 18 October, was based on the land parcels cleared for payment at that stage. Other parcels listed on his SPS application were not paid on, as they required digitisation. This process has now been completed and the total declared area of 49.20 hectares has been cleared for payment. The balancing payments under the Scheme are scheduled to commence issuing as and from 1 December.

354. **Deputy John O’Mahony** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo received their correct single farm payment; and if he will make a statement on the matter. [42457/10]

355. **Deputy John O’Mahony** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their area aid payment; and if he will make a statement on the matter. [42458/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I propose to take Questions Nos. 354 and 355 together.

An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 6 May 2010. A payment under the Single Payment Scheme issued to the herd-owner on 18 October 2010 based on the land parcels cleared for payment at that stage. Another parcel listed on his SPS application was not paid on, as it required digitisation. This process has now been completed and the total declared area of 10.50 hectares has been cleared for payment. Balancing payments under the Single Payment Scheme are scheduled to commence issuing as and from 1 December. The Disadvantaged Areas payment will issue in the coming days.

Forestry Sector

356. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food the supports, grants and premium available from his Department to the forestry sector; the amounts available under each scheme in 2010 and the amount expended to date; the efforts he is making to ensure forestry funding is not reduced in view of the growth potential of this sector; and if he will make a statement on the matter. [42467/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The allocation and expenditure to date for the Afforestation Programme is set out in the following table.

	Allocation 2010	Expenditure Year To Date
	€000	€000
Afforestation Grant & Premium schemes	104.730	100.118
Support Schemes (Forest Roads, Reconstitution, Woodland Improvement, Native Woodland, Neighbour Wood)	9.200	4.776

The Deputy will be aware that that all aspects of public expenditure are being subject to in depth critical scrutiny and forestry is no different in this regard. As part of that process, the Department is reviewing its available capital resources to ensure that priority needs and commitments are met. The Government remains committed to ensuring the continuation of the afforestation programme at a rate and in a format that maximises the use of scarce financial resources.

357. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food the amount of money made available and the amount expended under the afforestation grant and premium scheme each year respectively since its establishment in 2007; the numbers who are signed up to the scheme; the improvements to our forest cover since the establishment of the scheme and current percentage of such cover; and if he will make a statement on the matter. [42468/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The information requested in respect of the afforestation grant and premium scheme since 2007 is included in the following table. The number of Scheme beneficiaries in this period is 13,412. Forest cover at the end of 2009 is estimated at 10.7% compared with 10.4% at the end of 2006.

Year	Annual Allocation	Expenditure
	€000	€000
2007	112.929	103.173
2008	107.945	104.778
2009	100.450	102.326
2010 Year to date	104.730	100.118

Grant Payments

358. **Deputy Paul Kehoe** asked the Minister for Agriculture, Fisheries and Food, further to Parliamentary Question No. 209 of the 7 October 2010, if he received an application for the farm improvement grant in respect of a person (details supplied); the procedures in place at this time for recording applications received; and if he will make a statement on the matter. [42501/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application for grant-aid under the Farm Improvement Scheme relating to the herd number referred to by the Deputy was received by my Department on 26 October 2007.

As the Deputy will be aware, there was insufficient funding available to process all applications received under the Scheme and this application could not be processed due to this

absence of funding. For the purposes of the Scheme, applications were recorded according to the date on which they were received by my Department.

359. **Deputy John O'Donoghue** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Kerry will receive payment in respect of the single farm payment, area based compensation and suckler welfare payment for 2009; and if he will make a statement on the matter. [42493/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 02 May 2010. On processing the application an over-claim was identified on one of the parcels listed, which was recently resolved, on foot of which the advance of the Single Payment will issue in the coming days, as will payment under the Disadvantaged Areas Scheme. Balancing payments under the Single Payment Scheme are scheduled to commence issuing as and from 1 December. The person named registered 14 animals under the 2009 Suckler Welfare Scheme. Errors have been identified with three of the animals and a letter has issued to the applicant seeking clarification. When the position has been clarified and everything found to be in order, payment can then be issued.

Disadvantaged Areas Scheme

360. **Deputy Ruairí Quinn** asked the Minister for Agriculture, Fisheries and Food the number of farms eligible for the disadvantaged areas scheme in 2009; if he will provide this figure as a percentage of total farms; the average size of eligible farms in 2009; the average amount paid out to each farm under the scheme; and if he will make a statement on the matter. [42515/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): A total of 100,826 applicants benefited under the 2009 Disadvantaged Areas Scheme, representing almost 78% of farmers who submitted applications under the 2009 Single Payment Scheme/Disadvantaged Areas Scheme. The average area of farms paid under the Scheme was 23.45 hectares. The total value of payments made under the Scheme was €224,123,181, giving an average payment of €2,222.87.

Grant Payments

361. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food if he will allow an application under *force majeure* to a person (details supplied); and if he will make a statement on the matter. [42534/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I can confirm, following consideration of the grounds of appeal as submitted by the person named with their late 2010 Single Payment Scheme application, the regulatory late penalty is being waived. The application is currently being processed, with a view to payment issuing at an early date.

362. **Deputy Phil Hogan** asked the Minister for Agriculture, Fisheries and Food when an application for single farm payment will be determined in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [42553/10]

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 11 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.

[Deputy Brendan Smith.]

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.

363. **Deputy Dinny McGinley** asked the Minister for Agriculture, Fisheries and Food when single premium payment will issue to a person (details supplied) in County Donegal. [42557/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 30 April 2010. The 75% advance payment under the Disadvantaged Area Scheme, which issued on 21 September, was on the basis of those parcels cleared for payment at that stage, as a number of parcels listed on the application of the person named required re-digitisation. This process is now completed and the application has been processed for payment of 50% advance under the Single Payment Scheme and the balance of the Disadvantaged Area Scheme, both of which will issue shortly. The balancing payments under the Single Payment Scheme are scheduled to commence issuing as and from 1 December.

Departmental Bodies

364. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the number and names of advisory committees and groups established by him; the length of time each has been in existence; and if he will make a statement on the matter. [42561/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The information sought by the Deputy is laid out in the following table:

Number	Name	Date of Establishment
1	Nitrates Review Expert Advisory Group	July 2010 – work now completed
2	Committee on the Uptake of IT in Agriculture and Rural Communities	July 2007 – October 2010
3	Consultative Committee on the Health Check of the CAP	November 2007 – February 2009
4	Consultative Committee on the WTO negotiations	March 2005 – to date
5	Consultative Committee on the CAP after 2013	April 2009 – to date
6	Audit Committee of the Department of Agriculture, Fisheries and Food	September 1994 – to date
7	Animal Remedies Consultative Committee	December 1956 – to date
8	Steering Group on Natura Compliance in Sea Fisheries and Aquaculture	March 2010 – to date
9	Coillte Review Group	December 2009 – to date
10	Funding of Forestry Schemes Review Group	December 2009 – to date
11	State Forestry Policy Review Group	December 2009 – to date
12	Land and Forest Fires Working Group	June 2010 – to date
13	Phytophthora ramorum Forestry Group	August 2010 – to date
14	Dairy Expansion Activation Group	October 2010 – to date
15	Pig Industry strategy Steering Group	October 2008 – to date

Number	Name	Date of Establishment
16	Advisory Committee on Plant and Animal Genetic Resources	July 1996 – to date
17	COFORD Council	June 1993 – to date
18	Bottom Grown Mussel Consultative Forum	December 2008 – to date
19	Fisheries Natura Technical Advisory Committee	August 2009 – to date
20	National Implementation Group for “A strategy for improved pest control on Irish salmon farms”	December 2008 – to date
21	Co – Funded Seafood Development OP Monitoring Committee	December 2008 – to date
22	Seafood Strategy implementation Group (SSIG)	March 2007 – to date
23	Common Fisheries Policy Review Technical Support Group	May 2009 – to date
24	Whitefish Quota Management Group	Long Standing consultative group, 10+ years
25	Cod Effort Management Group	December 2008 – to date
26	Sea Fisheries Consultative Committee	November 2007 – to date

365. **Deputy Thomas P. Broughan** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the fact that the Committee of Public Accounts is examining any cost and benefit proposals that may have been carried out on the proposal to shut down the Teagasc agriculture research facility in Kinsealy, Malahide Road, Dublin 17; if he will ensure that the Kinsealy Teagasc facility remains open until the committee’s study is complete; and if he will make a statement on the matter. [42588/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Teagasc operates as a non-commercial state body under the aegis of the Department of Agriculture, Fisheries and Food. Under the Act establishing Teagasc, the Agriculture, (Research, Training and Advice) Act, 1988, they have statutory responsibility for the provision of education, advisory and training services to the agriculture sector as well as certain responsibilities for agricultural research and development. It is a matter for Teagasc and its Board to prioritise activities in the delivery of these services and to allocate its resources in accordance with these priorities.

I am advised that there has been direct contact between the Secretariat of the Committee of Public Accounts and Teagasc in relation to the Kinsealy Centre. The question of the continued operation of Teagasc activities at the Kinsealy Centre is a matter for the Teagasc Authority to consider. Ministerial responsibility is confined to matters of policy in accordance with the Act and the Minister does not interfere in the day to day operations of Teagasc.

Grant Payments

366. **Deputy Beverley Flynn** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Mayo has not received their single farm payment for 2010. [42593/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 13 May 2010. The advance of the Single Payment, which issued on 18 October, was based on those land parcels cleared for payment at that stage. While one parcel listed was not paid, as it required digitisation, this process has now been completed and the total declared area of 7.95 hectares has been cleared for payment. The balancing payments under the Single Payment Scheme are scheduled to commence issuing as and from 1 December.

367. **Deputy Beverley Flynn** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Mayo has not received their REP scheme 4 payment; and if he will make a statement on the matter. [42594/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The EU Regulations governing REPS 4 and other area-based schemes provide that administrative checks are carried out on all applications, as well as cross-checks against areas declared on Single Payment Scheme applications. The application concerned failed the administrative check and a rejection letter issued to the applicant on 16/04/10. This letter gave the applicant the option of submitting a new Plan by 17/05/10.

A new plan was submitted on 31/05/10 and a further adjusted plan was submitted on 18/06/10.

The local AES is in the process of issuing a letter informing the applicant that plan of 31/05/10 is not acceptable and that it is open to the applicant to appeal the decision.

Agri-environmental Options Scheme

368. **Deputy Beverley Flynn** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Mayo has not received approval or correspondence on their agri-environmental options scheme application; and if he will make a statement on the matter. [42595/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The application from the person named is being examined by my Department with a view to a decision being taken on entry to the Scheme. My Department will be in contact with the person named on the outcome of this process in the near future.

Question No. 369 withdrawn.

Grant Payments

370. **Deputy John O'Donoghue** asked the Minister for Agriculture, Fisheries and Food if financial approval can be granted to a person (details supplied) in County Kerry [42597/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): I understand that an application for financial approval in respect of the persons in question is currently being processed by my Department.

Question No. 371 withdrawn.

Horse Racing Ireland

372. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the relationship between his Department and Horse Racing Ireland; and if he will make a statement on the matter. [42622/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Horse Racing Ireland is a State Body established under the Horse and Greyhound Act 2001 with a Board appointed in accordance with the Horse Racing (Membership) Act 2001 whose duty it is to direct the affairs of the Body.

My Department monitors the compliance of Horse Racing Ireland with the terms of the Code of Practice for the Governance of State Bodies and other requirements arising under legislation. My Department is also responsible for the management and administration of the

Horse and Greyhound Fund and the laying of the accounts of the Body before both Houses of the Oireachtas in accordance with the Horse and Greyhound Racing Act 2001.

I make appointments to the Board of Horse Racing Ireland in accordance with the provisions of the Horse Racing (Membership) Act 2001.

373. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the level of investment by the State in the all-weather horse racing facilities at Dundalk; if he is satisfied, given its closure for the winter months, that this represents a good return for the taxpayer and proper management of the facility; and if he will make a statement on the matter. [42623/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Horse Racing Ireland is a State Body established under the Horse and Greyhound Act 2001 with a Board appointed in accordance with the Horse Racing (Membership) Act 2001 whose duty it is to direct the affairs of the Body. I make appointments to the Board of Horse Racing Ireland in accordance with the provisions of the Horse Racing (Membership) Act 2001.

Horse Racing Ireland is responsible for operational matters.

Decisions regarding the development of authorised racecourses and race fixtures are decided upon by Horse Racing Ireland in accordance with section 10 of the Irish Horseracing Industry Act 1994, as amended by Section 8 of the Horse and Greyhound Act 2001.

374. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if Horse Racing Ireland is subject to the freedom of information legislation; and if he will make a statement on the matter. [42624/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Horse Racing Ireland is subject to the provisions of the Freedom of Information legislation.

Grant Payments

375. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Monaghan will be paid their single farm premium and the remainder of their area aid; and if he will make a statement on the matter. [42762/10]

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 11 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 Payment 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.

Horse Racing Ireland

376. **Deputy Chris Andrews** asked the Minister for Agriculture, Fisheries and Food given the recent revelations in relation to expenditure at Horse Racing Ireland, if he will agree to an

[Deputy Chris Andrews.]

investigation into the organisation's expenditure and finances; the reason, despite HRI increased expenditure, Ireland's only all-weather track at Dundalk still remains closed in the winter; the reason HRI's contribution to race prize money increased by almost 600% between 1998 and 2008 despite the fact that the number of race fixtures increased by only 33% over this period; the reason HRI recently refused to release information under a Freedom of Information request from the Irish bookmakers association and if he will request that this information sought by IBA is released. [42788/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Horse Racing Ireland is a State Body established under the Horse and Greyhound Act 2001 with a Board appointed in accordance with the Horse Racing (Membership) Act 2001 whose duty it is to direct the affairs of the Company.

Horse Racing Ireland is audited annually by the Comptroller and Auditor General.

The operational matters raised by the Deputy are the responsibility of Horse Racing Ireland. Decisions regarding race prize money and race fixtures are decided upon by Horse Racing Ireland in accordance with section 10 of the Irish Horseracing Industry Act 1994, as amended by Section 8 of the Horse and Greyhound Act 2001.

Horse Racing Ireland is subject to all the provisions of the Freedom of Information legislation.

Grant Payments

377. **Deputy Ulick Burke** asked the Minister for Agriculture, Fisheries and Food the reason for the delays in processing an application for area aid in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [42823/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on the 21 April 2010.

This application was selected for and was the subject of a Ground Eligibility and Animal Identification Inspection.

The inspection process is completed and the application has now been fully processed. The 50% advance under the Single Payment Scheme issued on 1 November 2010 with the balancing payment due in December. Payment under the Disadvantaged Areas Scheme will issue within a week.

378. **Deputy Beverley Flynn** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Mayo has not received their single farm payment and their disadvantaged area payment despite having submitted the required information on two separate occasions. [42840/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 13 May 2010. The validation process undertaken by my Department on the applications established that there were over-claims on two of the land parcels declared by the applicant. In keeping with standard procedure, the person named was written to; in reply, the person named appealed the level of over-claim on one of the parcels. Following review, the level of the over-claim was reduced. The application has now been fully processed. Payment in respect of the Disadvantaged Areas Scheme will issue within the next few days as will the 50%

advance of the Single Payment. The Single Payment balancing payments will commence to issue on 1 December.

379. **Deputy Beverley Flynn** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) has not received their single farm payment and when can they expect payment. [42856/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme was received from the person named on 17 May 2010. The advance payment which issued on 18 October was based on those land parcels cleared at the time, as a number of parcels declared required digitising. As this process is now complete, the application is fully processed, which will allow the full outstanding payment issue on 1 December, from which date the balancing payments are scheduled to commence issuing.

380. **Deputy James Bannon** asked the Minister for Agriculture, Fisheries and Food the position regarding an application for single farm and disadvantaged area payments which are due since September 2010 in respect of a person (details supplied) in County Longford; and if he will make a statement on the matter. [42898/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 14 May 2010. The advance payments, which issued under the Disadvantaged Scheme and Single Payment Scheme on 21 September and 18 October respectively, were in respect of those parcels cleared for payment at that stage, as a number of parcels listed required digitisation. As this process has now been completed, the balance due under the Disadvantaged Areas Scheme will issue shortly, while balancing payments due under the Single Payment Scheme are scheduled to commence issuing as and from 1 December.

381. **Deputy Bobby Aylward** asked the Minister for Agriculture, Fisheries and Food when single farm payment will issue to a person (details supplied) in County Kilkenny. [42908/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 6 May 2010. The 50% advance payment under the Single Payment Scheme, which issued on 18 October and the 75% advance payment under the Disadvantaged Area Scheme, which issued on 29 September, were on the basis of those parcels cleared for payment at that stage. A number of parcels listed on the application of the person named required re-digitisation; following digitisation, issues were revealed regarding an over-claim and overlap in respect of a number of parcels. My Department has written to the person named regarding these matters. On receipt of a satisfactory reply from the person named, the application will be further processed, with a view to the further payments due issuing shortly thereafter.

382. **Deputy Edward O’Keeffe** asked the Minister for Agriculture, Fisheries and Food when a specific payment will issue to a person (details supplied) in County Cork [42915/10]

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 26 April 2010. However, as all parcels listed on the application of the person named required re-digitisation, no payments could issue. It is expected that the digitising process will be completed shortly and, shortly thereafter, provided no errors are identified, the application will be further processed, with a view to the payment due issuing to the person named.

383. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Clare has not received payments; and if he will make a statement on the matter. [42970/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named did not submit an application for the Single Payment Scheme/ Disadvantaged Areas Scheme 2005 or in any subsequent year to date. Furthermore, the person named did not an Area Aid application in respect of 2003 or 2004. An official from my Department will contact the person named to discuss the situation.

Departmental Schemes

384. **Deputy Bobby Aylward** asked the Minister for Agriculture, Fisheries and Food when the balance of the suckler cow welfare scheme for 2009 will issue to a person (details supplied) in County Kilkenny and the reason for the delay in issuing this payment. [43037/10]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person named registered 35 animals under the 2009 Suckler Welfare Scheme. Eight animals have been paid and a further 24 animals have been cleared for payment, which will issue shortly. The validation process undertaken by Department established that there were queries in respect of the remaining three animals. My Department is in direct contact with the person named regarding the queries on these animals.

Work Permits

385. **Deputy Pat Breen** asked the Minister for Enterprise, Trade and Innovation the position regarding an application in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [42527/10]

Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary): My Department processes applications in respect of the different types of employment permits — Green Cards Permits, Work Permits, Spousal/Dependant Permits and Intra-company Transfer Permits. All applications are processed in line with the Employment Permits Act 2006.

I wish to advise the Deputy that this application was refused on the 9th September 2010 on the grounds that it is current Government policy to issue new employment permits for highly skilled, highly paid positions or, in respect of non-EEA nationals who are already legally resident in the State on valid employment permits or, where there is an officially recognized scarcity of workers of a particular type or qualification.

Furthermore, the documentation supplied with the application showed a discrepancy in the annual salary paid to the employee.

An appeal in respect of this decision was received in the Employment Permits Section on the 21st September 2010. All appeals are dealt with in date of receipt order and there is currently a waiting period of 4-6 weeks because of the number of appeals being processed with limited staff resources. In this case, further information has been requested from the employer with regard to the appeal made and a decision should be made on this appeal when this information is received.

Redundancy Payments

386. **Deputy Brendan Howlin** asked the Minister for Enterprise, Trade and Innovation if he will ensure that a person (details supplied) whose application for a statutory redundancy lump

sum was received in his Department on 8 July 2010, will receive their entitlement in time for Christmas 2010; and if he will make a statement on the matter. [42405/10]

Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary): My Department administers the Social Insurance Fund (SIF) in relation to redundancy matters on behalf of the Department of Social Protection. There are two types of payment made from the SIF — rebates to those employers who have paid statutory redundancy to eligible employees, and statutory lump sums to employees whose employers are insolvent and/or in receivership/liquidation

I can confirm that my Department received a statutory redundancy lump sum claim on in respect of the individual concerned on 8 July 2010. This claim awaits processing.

In respect of lump sum payments paid directly to employees in instances where employers are unable to pay the statutory redundancy entitlements, the current processing time for these claims has improved and claims dating from April 2010 are currently being processed.

Of course in some instances, where the necessary supporting documentation for lump sum claims is not provided to my Department, or where queries arise, processing of claims can be further delayed until the required documentation is provided and/or outstanding queries are resolved.

My Department continues to make every effort to reduce processing times. Measures already taken in the Department to alleviate the pressures on the Payments area include:

- Almost doubling the number of staff working solely on redundancy payment claims through reassignment to a current level of 52 full time equivalents;
- Prioritisation of the Department's overtime budget towards staff in the Section to tackle the backlog outside normal hours;
- Establishment of a special call handling facility in NERA to deal with the huge volume of telephone calls from people and businesses concerned about their payments;
- Better quality information relating to current processing times on the Department's website;
- Engagement with the Revenue Commissioners to facilitate the offset of redundancy rebate payments by employers against existing outstanding tax liabilities which those employers owe to the Revenue Commissioners.

The backlog and waiting times remain at unacceptable levels. However, improvements are evident. In 2009, my Department processed 50,664 claims, up 70% on the previous year. Furthermore, the level of new claims processed in the first ten months of 2010 was 63,484 — up over 66% on the corresponding 10-month period in 2009 (38,149) and surpassing the total amount of claims processed for the full year 2009 which came to 50,644. The backlog of claims is decreasing — reducing from its highest level in November 2009 of 43,608 to a current level of 29,672.

Responsibility for the payment functions arising under the Redundancy and Insolvency payment schemes is due to be transferred to the Department of Social Protection with effect from 1 January 2011. In transferring the functions between Departments, it is the intention that this will operate seamlessly and without any adverse impact on the service levels being experienced by individuals or the business community awaiting payment of redundancy claims.

Industrial Development

387. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of Industrial Development Agency site visits to Waterford City that have taken place in the past three years and to date in 2010; and if he will make a statement on the matter. [42415/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): I am informed by the IDA that there have been a total of thirty six first time site visits by potential investors to Waterford City from the beginning of 2007 to date in 2010. Details of the number of visits by year are set out in the tabular statement.

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 Waterford City by potential investors in each of the years 2007, 2008, 2009 and to date in 2010

Year	Site visits to Waterford City
2007	8
2008	12
2009	7
2010	9

Job Creation

388. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of businesses in Waterford City that have been approved for capital grants by the Industrial Development Authority 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. [42416/10]

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 four companies in Waterford City have been approved 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 draw 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 IDA supported companies in Waterford City and County from 2007 to 2009

Year	Number
2007	183
2008	483
2009	569
Total	1,235

389. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of businesses in Waterford City that have been approved for employment grants by the Industrial Development Authority 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. [42417/10]

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 three companies in Waterford City have been approved 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 draw 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 amounted to €369,000.

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 IDA supported companies in Waterford City and County from 2007 to 2009

Year	Number
2007	183
2008	483
2009	569
Total	1,235

Industrial Development

390. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation the number of businesses in Waterford City that have been approved for funding by Enterprise

[Deputy John Deasy.]

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. [42418/10]

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 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 tabular statement.

County Waterford approvals and payments to Enterprise Ireland clients

Year	No. of Companies Approved Funding	Total Approvals
		€
2007	32	1,865,355
2008	36	7,845,001
2009	38	4,559,792
2010 at end October	42	1,830,380

Job Gains in Waterford in Enterprise Ireland supported companies

Year	2007	2008	2009
Gains	279	394	436

Redundancy Payments

391. **Deputy Jack Wall** asked the Minister for Enterprise, Trade and Innovation the position regarding a redundancy payment in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [42419/10]

Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary): I am pleased to advise the Deputy that my Department has recently authorised this redundancy lump sum claim on behalf of the individual concerned. Payment of the redundancy amount due is expected to issue within the next few weeks.

Grocery Industry

392. **Deputy Tom Sheahan** asked the Minister for Enterprise, Trade and Innovation if he will consider amending the groceries order of 2005 to ban below cost selling of alcohol in supermarkets; and if he will make a statement on the matter. [42535/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): I assume the Deputy is referring to the Competition (Amendment) Act 2006 which repealed the Restrictive Practices Act 1972 and revoked the Restrictive Practices (Groceries) Order 1987 (S.I. No.142 of 1987) which rather than banning below cost selling, prohibited below invoice price selling. In effect,

the Order had allowed wholesalers and suppliers to determine minimum retail prices being charged to consumers, thereby seriously constraining competition in the grocery trade.

The use of aggressive pricing strategies in any business is a legitimate marketing tool and is the normal outcome of the competitive process. Low cost and below cost selling by a retailer is not of itself an offence unless it involves abuse of a dominant position. A determination on whether a retailer is abusing a dominant position in the marketplace would necessitate a comprehensive investigation by the Competition Authority.

The Authority is the independent statutory body responsible for enforcing competition law in the State and complaints of any alleged anti-competitive practice should be referred to it.

The sale of alcohol, essentially regulated by the liquor licensing laws, which are the policy responsibility of the Minister for Justice and Law Reform, is a matter in which I have no direct function.

Employment Support Services

393. **Deputy John Deasy** asked the Minister for Enterprise, Trade and Innovation his plans to extend the employment subsidy scheme beyond November 30 2010; his plans to accept new applications for the scheme; and if he will make a statement on the matter. [42607/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): The Employment Subsidy Scheme (Temporary) was introduced to help employees maintain their jobs while at the same time assisting employers to retain their productive capacity. The Scheme is operated as part of an Irish state aid scheme approved under the European Commission’s Temporary Framework on State aid, introduced in December 2008. The scheme was brought in on a temporary basis to allow Member States increased flexibility to assist companies in the real economy that were facing difficulties in accessing finance as a result of the economic downturn.

There have been 2 calls under the Scheme and as a result almost 1,700 enterprises were approved for support with those companies committing to maintaining over 100,000 jobs to end November 2010. There are no plans to extend the Scheme.

Company Closures

394. **Deputy Kathleen Lynch** asked the Minister for Enterprise, Trade and Innovation if a company (details supplied) which went into liquidation in December 2008, had repaid the grant extended to it by Irish Government; and if he will make a statement on the matter. [42625/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): I understand that in respect of the company in question, an agreement has been entered into with Enterprise Ireland in full and final settlement of all liabilities.

County Enterprise Boards

395. **Deputy Terence Flanagan** asked the Minister for Enterprise, Trade and Innovation if he will deal with a matter (details supplied); and if he will make a statement on the matter. [42804/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe): My Department does not provide direct funding or grants to businesses but provides funding to a number of State Agencies, including the County and City Enterprise Boards (CEBs) and Enterprise Ireland, through whom assistance is delivered directly to businesses. The CEB’s unique role positions them as a first point of contact for persons wishing to set up in business. I would advise the

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promoter to contact their local CEB; the Dublin City Enterprise Board in the first instance to discuss what options may be available to them and their proposed business venture. The Board is located on the 5th Floor, O’Connell Bridge House, D’Olier Street, Dublin 2; Phone No: 01 635 1114, Fax No: 01 635 1811; Email: info@dceb.ie; Website: www.dceb.ie

To be eligible for CEB grant support an enterprise must be in the commercial sphere, must demonstrate a market for the proposed product/service, must have a capacity for growth and new job creation and must not employ more than 10 people. CEBs can provide both financial and non-financial assistance to a project promoter. The forms of financial assistance which are available subject to certain restrictions and conditions, include Priming Grants, Business Expansion/Development Grants, and Feasibility/Innovation Study Grants. The CEBs give priority to enterprises in the manufacturing or internationally traded services sector and must always give consideration to any potential for deadweight and displacement arising from a proposed enterprise. In addition, the CEBs deliver a range of non-financial supports to improve management capability development within micro-enterprises designed to help new and existing enterprises to operate effectively and efficiently so as to last and grow.

Redundancy Payments

396. **Deputy Thomas Byrne** asked the Minister for Enterprise, Trade and Innovation the position regarding an application for redundancy payment in respect of a person (details supplied). [42888/10]

Minister of State at the Department of Enterprise; Trade and Innovation (Deputy Dara Calleary): My Department administers the Social Insurance Fund (SIF) in relation to redundancy matters on behalf of the Department of Social Protection. There are two types of payment made from the SIF — rebates to those employers who have paid statutory redundancy to eligible employees, and statutory lump sums to employees whose employers are insolvent and/or in receivership/liquidation.

I wish to advise the Deputy that on the basis of valid claims entered in the Redundancy Payments System in my Department, there is no record of a redundancy claim having been received in respect of the individual in question.

It is my Department’s practice not to enter incomplete claims on the system as these claims cannot be processed until the necessary documentation is submitted. Forms are returned to allow missing details and/or supporting documentation to be submitted. Submission of correctly completed Redundancy claim forms (RP50’s) with all of the required documentation greatly facilitates the processing of claims.

Under Redundancy legislation the onus, in the first instance, is on the employer to pay to the employee their redundancy entitlements. The employer is then entitled, by virtue of pay related social contributions to the Social Insurance Fund, to recover 60% of the amount paid to the employee.

In circumstances where the employer is unable to pay the redundancy entitlements, a claim can be lodged with the Department and the documentation required in support of lump sum claims is evidence of the employer’s inability to pay the redundancy entitlements to the employees. This involves requesting a statement from the company’s Accountant or Solicitor attesting to the inadequacy of assets to make the redundancy payments and, the latest set of financial accounts for the company. The employer is also asked to admit liability for the 40% liability attaching to the company arising from the redundancy payments.

If this information is provided to the Department, the employees are paid their redundancy entitlement from the Social Insurance Fund. Upon payment, the Department pursues the company for the 40% share that the company would ordinarily have been expected to pay to the employees.

If the necessary supporting documentation required from the employer is not provided to my Department, the employee will be advised by my Department to take a case to the Employment Appeals Tribunal (EAT) against the employer to seek a determination establishing the employee's right and entitlement to redundancy. Once such a determination is available, the Department is then in a position to make the payment to the employee concerned. Should the outstanding documentation be provided by the employer during the period while the case is pending a hearing before the EAT, this would allow the claim to be processed by my Department in the usual way.

Departmental Properties

397. **Deputy Richard Bruton** asked the Minister for Enterprise, Trade and Innovation if he has had discussions with Enterprise Ireland regarding disposing of a portion of a site (details supplied) in favour of a school; and if he will make a statement on the matter. [42960/10]

398. **Deputy Richard Bruton** asked the Minister for Enterprise, Trade and Innovation if he has sought information from Enterprise Ireland on the total cost of maintaining a site (details supplied), including security costs; if he plans to dispose of the site; and if he will make a statement on the matter. [42962/10]

Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe): I propose to take Questions Nos. 397 and 398 together.

The cost of maintaining the Glasnevin site vacated by Enterprise Ireland is approximately €1m per annum of which €240,000 is for security costs. The €1m figure includes general maintenance costs of the National Metrology Laboratory of the National Standards Authority of Ireland. For 2010, these costs are expected to be in the order of €140,000 approximately, which will be recouped from the NSAI. The current rates bill for the site will reduce by 50% or €280,000 in respect of 2010, which is due to be rebated in 2011. In addition Enterprise Ireland has advised that it has also secured an 8% reduction in the fees paid in respect of security services provided on the site.

Options regarding the future of the site are being considered by my Department to determine its best usage for the State.

Redundancy Payments

399. **Deputy Seán Power** asked the Minister for Enterprise, Trade and Innovation if he will confirm that an application for redundancy was received by his Department in respect of a person (details supplied); and if he will make a statement on the matter. [42967/10]

Minister of State at the Department of Enterprise; Trade and Innovation (Deputy Dara Calleary): My Department administers the Social Insurance Fund (SIF) in relation to redundancy matters on behalf of the Department of Social Protection. There are two types of payment made from the SIF — rebates to those employers who have paid statutory redundancy to eligible employees, and statutory lump sums to employees whose employers are insolvent and/or in receivership/liquidation.

[Deputy Dara Calleary.]

I wish to advise the Deputy that on the basis of valid claims entered in the Redundancy Payments System in my Department, there is no record of a redundancy claim having been received in respect of the individual in question.

It is my Department's practice not to enter incomplete claims on the system as these claims cannot be processed until the necessary documentation is submitted. Forms are returned to allow missing details and/or supporting documentation to be submitted. Submission of correctly completed Redundancy claim forms (RP50's) with all of the required documentation greatly facilitates the processing of claims.

Under Redundancy legislation the onus, in the first instance, is on the employer to pay to the employee their redundancy entitlements. The employer is then entitled, by virtue of pay related social contributions to the Social Insurance Fund, to recover 60% of the amount paid to the employee.

In circumstances where the employer is unable to pay the redundancy entitlements, a claim can be lodged with the Department and the documentation required in support of lump sum claims is evidence of the employer's inability to pay the redundancy entitlements to the employees. This involves requesting a statement from the company's Accountant or Solicitor attesting to the inadequacy of assets to make the redundancy payments and, the latest set of financial accounts for the company. The employer is also asked to admit liability for the 40% liability attaching to the company arising from the redundancy payments.

If this information is provided to the Department, the employees are paid their redundancy entitlement from the Social Insurance Fund. Upon payment, the Department pursues the company for the 40% share that the company would ordinarily have been expected to pay to the employees.

If the necessary supporting documentation required from the employer is not provided to my Department, the employee will be advised by my Department to take a case to the Employment Appeals Tribunal (EAT) against the employer to seek a determination establishing the employee's right and entitlement to redundancy. Once such a determination is available, the Department is then in a position to make the payment to the employee concerned. Should the outstanding documentation be provided by the employer during the period while the case is pending a hearing before the EAT, this would allow the claim to be processed by my Department in the usual way.

International Agreements

400. **Deputy Kathleen Lynch** asked the Minister for Community, Equality and Gaeltacht Affairs if his attention has been drawn to the fact that 95 countries have ratified the UN Convention on the Rights of People with Disabilities and when Ireland intends to sign the optional protocol and then ratify both the convention and optional protocol; and if he will make a statement on the matter. [42471/10]

Minister of State at the Department of Community, Equality and Gaeltacht Affairs (Deputy John Moloney): It is the Government's intention to ratify the Convention as quickly as possible, taking into account the need to ensure that all necessary legislative and administrative requirements under the Convention are being met. As the Deputy will be aware, Ireland does not tend to become party to treaties until it is first in a position to comply with the obligations imposed by the treaty in question, including by amending domestic law as necessary.

The ongoing implementation of our National Disability Strategy in many respects comprehends many of the provisions of the Convention. In addition, the Inter-Departmental Committee on the UNCRPD monitors the remaining legislative and administrative actions required to enable the State to ratify the Convention. The Committee has developed a programme on which work is progressing to address the matters that need to be aligned with the UNCRPD. One of the key requirements in this regard is mental capacity legislation, which is the responsibility of the Department of Justice and Law Reform. As indicated in the Government's Legislation Programme, it is intended that the Mental Capacity Bill will be published in the current Dáil Session. The passage of this Bill will add substantially to the overall progress on implementation of the requirements towards ratification of the Convention.

The decision by the Government on whether or not to be a party to the Optional Protocol to the Convention does not arise at present pending the making of arrangements for the ratification of the Convention.

Departmental Funding

401. **Deputy Róisín Shortall** asked the Minister for Community, Equality and Gaeltacht Affairs if he will confirm funding for a voluntary national organisation (details supplied); if he appreciates the importance of this organisation and funding will be retained in 2011. [42521/10]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey): The organisation referred to by the Deputy is funded by my Department under the Scheme to Support National Organisations in the Community and Voluntary Sector. A total of 64 organisations within the sector are supported under this scheme and funding in the order of €16.6m has been provided over the three year period 2008-2010.

Contracts under this scheme are due to expire on 31 December 2010. An evaluation of the scheme, which included a consultation exercise with the organisation referred to by the Deputy and the other organisations involved in the scheme, has been completed. On foot of the review, I anticipate that my Department will be in contact with all organisations involved in the current scheme in the coming weeks regarding arrangements for 2011 and subsequent years.

The Deputy will appreciate that I cannot pre-empt the outcome of this process with respect to any individual organisation.

Drugs Taskforce

402. **Deputy Joe McHugh** asked the Minister for Community, Equality and Gaeltacht Affairs if he will respond to Donegal County Council's motion of 27 September 2010 that states Donegal County Council supports the drugs crisis campaign against adjustments to drug taskforce funding and calls on the Government to allocate funds from the criminal assets bureau to regional and local drug taskforces to assist them in their provision of services in their communities; and if he will make a statement on the matter. [42608/10]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey): The proposal that money confiscated by the Criminal Assets Bureau (CAB) be allocated to fund drugs services in Local and Regional Drugs Task Force areas is an interesting idea and it has been raised on a number of occasions. However, it would be contrary to the normal Estimates process to ring-fence specific money obtained by the Exchequer and to reallocate that money for a specific purpose. The Constitution requires, and Government accounting principles

[Deputy Pat Carey.]

provide, that public money be spent as voted or approved by Dáil Éireann, unless otherwise provided by statute.

Also, the variable nature of the value of the assets seized by the CAB in any given year could also cause problems, as funds generally need to be provided on an ongoing basis for drugs programmes and services. Difficulties might also arise if there were delays as a result of legal challenges to Court disposal orders. Such an unstable revenue source would increase the difficulties of proper planning of drug programmes by Drugs Task Forces and organisations involved in the delivery of such services.

More generally, there is a critical need to ensure that resources are directed in a targeted and effective manner and that the maximum benefit is achieved. As part of its role, each Drugs Task Force should constantly monitor and review projects and should ensure best use of allocated funds.

I am confident that the work being done to tackle problem drug use this year will continue to make a positive impact on the lives of those affected by the problem. I will make every effort to protect funding in this important area but, as the Deputy is aware, I cannot give an undertaking in this regard in advance of the completion of the estimates process and the Budget.

Departmental Agencies

403. **Deputy Arthur Morgan** asked the Minister for Community, Equality and Gaeltacht Affairs if he will provide the number of jobs that have been advertised for Foras na Gaeilge in the past two years; the positions offered; if all positions were filled after the first round of advertising; if not, if they were re-advertised and subsequently filled; where the jobs were based; and if he will make a statement on the matter. [42617/10]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey): The information sought by the Deputy is set out in the following table:

2008	Filled after first round	Location of post
Officer — Translator	Yes	Belfast
Staff Officer — Education	Yes	Belfast
Personal Secretary	Yes	Belfast
Assistant Terminologist (short-term contract)	Yes	Dublin
CO — Finance, HR and IT	Yes	Dublin
CO — Finance, HR and IT	Yes	Dublin

2009	Filled after first round	Re-advertised	Subsequently filled	Location of post
Director – Publishing, Lexicography and Terminology	Yes	—	—	Gaoth Dobhair
Editor	Yes	—	—	Gaoth Dobhair or Dublin
Lexicography Editor	Yes	—	—	Gaoth Dobhair
Assistant Editor 1	Yes	—	—	Gaoth Dobhair
Assistant Editor 5	Yes	—	—	Gaoth Dobhair or Dublin*
Development Officer – Colmcille	Yes	—	—	Gaoth Dobhair
HEO – Community and Business	Yes	—	—	Gaoth Dobhair* or Dublin
HEO – Finance, HR and IT	Yes	—	—	Dublin

2009	Filled after first round	Re-advertised	Subsequently filled	Location of post
HEO – Corporate Planning	Yes	—	—	Dublin
EO – Community and Business	Yes	—	—	Dublin
EO – Community and Business	Yes	—	—	Gaoth Dobhair* or Dublin
EO – An Gúm	Yes	—	—	Gaoth Dobhair or Dublin
CO – Public Sector and the Arts	Yes	—	—	Gaoth Dobhair or Dublin
Chief Terminologist	No	Yes	Yes	Dublin
Assistant Editor 3	No	Yes	Yes	Gaoth Dobhair* or Dublin
Assistant Editor 2	No	Yes	Negotiations in progress	Gaoth Dobhair
HEO – Public Sector and the Arts	No	Yes	Competition current	Gaoth Dobhair
Assistant Editor (short-term contract)	No	Yes	No	Dublin
Assistant Editor 4	No	Yes	No	Gaoth Dobhair or Dublin
Deputy CEO	No	Yes	No	Belfast

*Indicates the location chosen by the appointed candidate.

2010	Filled after first round	Location of post
Staff Officer – maternity cover	Yes	Belfast
Assistant Terminologist	Yes	Dublin
Personal Secretary	Competition current	Belfast
Editor 1 – 2 year contract	Competition current	Dublin
Editor 2 – 2 year contract	Competition current	Dublin
Editor 3 – 2 year contract	Competition current	Dublin
Assistant Editor 1 – Translator – 2 year contract	Competition current	Dublin
Assistant Editor 2 – Translator – 2 year contract	Competition current	Dublin
Assistant Editor 3 – Translator – 2 year contract	Competition current	Dublin
EO – Finance, HR and IT	Competition current	Dublin
CO 1 – Dictionary project – 2 year contract	Competition current	Dublin
CO 1 – Dictionary project – 2 year contract	Competition current	Dublin
CO – Finance, HR and IT	Competition current	Dublin
CO – Finance, HR and IT	Competition current	Dublin

Community Development

404. **Deputy Michael Creed** asked the Minister for Community, Equality and Gaeltacht Affairs the level of funding provided to each of the 28 development companies under the local and community development programme; the criteria used in determining the level of allocation; his views on the substantial variation in allocations to each group when broken down on a per capita basis in respect of the population served in each group; and if he will make a statement on the matter. [42964/10]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey): The Deputy will be aware that the Local and Community Development Programme (LCDP) replaced the Local Development Social Inclusion and Community Development Programmes from the beginning of 2010. Funding allocations to partnerships/local development companies under the LCDP are made by Pobal, who manage it on behalf of my Department.

There are currently 52 Local Development Companies (LDCs), 25 of which are integrated LDCs, delivering both rural and local development programmes.

[Deputy Pat Carey.]

Allocations under the LCDP are based on a number of factors, including:

- the size/population of the catchment areas of the LDCs;
- the proposed annual programme of activity of each company;
- the deprivation index for the catchment areas; and
- the available funding for the year.

In addition, the 2010 allocations took account of concentrated levels of urban disadvantage in the catchment areas of urban partnership companies.

Details of the LDCs and their 2010 funding allocation are set out in Appendix 1 below.

As the Deputy will appreciate, ongoing funding for the LCDP in 2011 and beyond will fall to be considered in the context of the annual Estimates process.

Local Development Company	2010 Funding Allocation
	€
Avondhu/Blackwater Partnership Ltd	440,173.00
Ballyfermot Partnership	845,026.00
Ballyhoura Development Ltd	559,734.00
Ballymun Partnership	887,111.00
Blanchardstown Area Partnership	836,662.00
Bray Partnership	883,668.00
Breffni Integrated Ltd.	715,655.00
Canal Communities Partnership	787,393.00
Carlow County Development Partnership	554,974.00
Cill Dara Ar Aghaidh Teoranta	985,451.00
Clare Local Development	819,263.00
Clondalkin Partnership	1,120,797.00
Comhar Chathair Chorcaí Teo	1,137,455.00
Comhar na nOileán Teo	62,200.00
County Kilkenny LEADER Partnership	611,169.00
County Sligo Leader Partnership	692,091.00
County Wicklow Community Partnership	549,670.00
Dodder Valley Partnership Ltd	1,232,833.00
Donegal Local Development Co.	995,894.00
Dublin Inner City Partnership	586,265.00
Fingal LEADER Partnership Company	447,596.00
Forum	300,000.00
Galway City Partnership	798,250.00
Galway Rural Development Company	1,002,911.00
Inishowen Development Partnership	731,153.00
IRD Duhallow	476,499.00
Laois Community & Enterprise Dev Co	581,342.00
Leitrim Integrated Development Co.	729,222.00
Longford Community Resources Ltd	707,801.00
Louth Leader Partnership	1,570,614.00

Local Development Company	2010 Funding Allocation
	€
Mayo North East Leader Partnership	496,326.00
Meitheal Forbartha na Gaeltachta Teoranta	1,873,974.00
Monaghan Integrated Development	761,344.00
North & East Kerry Leader Partnership	1,371,966.00
North Tipperary Leadership Partnership	520,282.00
Northside Partnership	1,112,831.00
Offaly Integrated Local Development Company Ltd	851,577.00
PAUL (Limerick) Partnership	1,285,163.00
Rathmines Pembroke Community Partnership	683,933.00*
Roscommon Integrated Development Company Limited	730,389.00
South & East Cork Area Development Ltd	425,767.00
South Kerry Development Partnership	753,213.00
South Tipperary Development Company	446,696.00
South West Mayo Development Company	274,250.00
Southside Partnership	1,008,148.00
Tolka Area Partnership	1,041,376.00
Waterford Area Partnership	835,976.00
Waterford Leader Partnership	377,531.00
West Cork Development Partnership	357,070.00
West Limerick Resources Ltd	698,278.00
Westmeath Community Development Ltd	933,519.00
Wexford Local Development	1,795,949.00
Total	41,284,430.00

*This allocation includes €376,428.00 in respect of the Dublin 12 area following the liquidation of KWCDT Partnership.

Departmental Offices

405. **Deputy David Stanton** asked the Minister for Defence if his office has moved from Parkgate Street; the number of staff and location of his new office; and if he will make a statement on the matter. [42748/10]

Minister for Defence (Deputy Tony Killeen): The decentralisation of all the Department's Dublin based staff, including the six members of staff of my private office, successfully took place over the weekend of 5th November 2010. The Department's new Headquarters is located at Station Road, Newbridge, Co Kildare.

Non-Governmental Organisations

406. **Deputy Finian McGrath** asked the Minister for Defence if he will support the case of a person (details supplied) and if this matter can be expedited [42895/10]

Minister for Defence (Deputy Tony Killeen): The Irish Red Cross Society is an independent statute based charitable organisation with full power to manage its own affairs. The Minister for Defence does not get involved in the day-to-day running of its affairs. Furthermore, the Geneva Convention places an obligation on Governments to protect the independence of national Red Cross organisations.

[Deputy Tony Killeen.]

Issues relating to disciplinary procedures within the Irish Red Cross Society are a matter for the parties thereto, each of whom can receive independent legal advice as to their rights and entitlements.