



DÍOSPÓIREACHTAÍ PARLAIMINTE  
PARLIAMENTARY DEBATES

**DÁIL ÉIREANN**

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

*Tuesday, 18 January 2011.*

Ceisteanna—Questions	
Taoiseach ... ..	705
Minister for Transport	
Priority Questions ... ..	714
Other Questions ... ..	722
Adjournment Debate Matters ... ..	728
Leaders' Questions ... ..	729
Requests to move Adjournment of the Dáil under Standing Order 32	739
Order of Business ... ..	740
Child Care (Amendment) Bill 2009 ( <i>Seanad</i> ):	
Order for Report Stage ... ..	746
Report and Final Stages ... ..	746
Private Members' Business	
Health Care Services: Motion ... ..	767
Adjournment Debate	
Quinn Insurance Group ... ..	786
Illegal Downloading of Copyright Material ... ..	790
Questions: Written Answers ... ..	793

# DÁIL ÉIREANN

---

*Dé Máirt, 18 Eanáir 2011.*  
*Tuesday, 18 January 2011.*

---

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

---

*Paidir.*

*Prayer.*

---

## Ceisteanna — Questions

---

### Programmes for Government

1. **Deputy Caoimhghín Ó Caoláin** asked the Taoiseach if he will report on progress in the implementation of the Revised Programme for Government; and if he will make a statement on the matter. [46963/10]

2. **Deputy Eamon Gilmore** asked the Taoiseach if he will report on the implementation of the renewed Programme for Government [48347/10]

3. **Deputy Enda Kenny** asked the Taoiseach the progress made to date in respect of the implementation of those elements of the Programme for Government for which he is responsible; and if he will make a statement on the matter. [48374/10]

4. **Deputy Enda Kenny** asked the Taoiseach if he will report on the implementation of the agreed Programme for Government; and if he will make a statement on the matter. [48389/10]

5. **Deputy Enda Kenny** asked the Taoiseach if he will report on the implementation of the revised Programme for Government; and if he will make a statement on the matter. [48402/10]

**An Taoiseach (Deputy Brian Cowen):** I propose to take Questions Nos. 1 to 5, inclusive, together.

As the Deputies are aware, the core focus of the renewed programme is to stimulate sustainable economic recovery and job creation. It sets out the agreed areas of focus for each individual Minister whose duty it is to ensure that those commitments within their particular portfolios are implemented.

As I have stated on many occasions, we all have to adapt to changed economic circumstances. The international environment, while showing signs of recovery, is still fragile. Our focus is to stabilise our finances. Furthermore, we need to increase the competitiveness of the economy such that when the economic recovery takes place we are best positioned to take advantage of that recovery. The renewed programme for Government takes account of these realities and sets out mechanisms that will allow us to achieve these objectives.

[Deputy Brian Cowen.]

The implementation of the renewed programme is an ongoing process which takes account of developing circumstances including the availability of resources. A progress report detailing the programme's implementation is the subject of ongoing evaluation and will be made available shortly.

**Deputy Caoimhghín Ó Caoláin:** Among the commitments in the programme for Government is a commitment that the Government will proceed with the proposal to hold a constitutional referendum on children's rights. I have had the opportunity to meet the Minister of State with responsibility for children, Deputy Barry Andrews, and I do not intend to go into the details of that. It is not what this question is about. Given that we had all-party consensus and that we now have the Government's own proposed wording, is it the intention of the Taoiseach and the Government to hold a referendum on this new wording? Will the referendum be held in conjunction with the general election? Has the Taoiseach given his blessing to Deputy Barry Andrews's stated intent to have that referendum in the course of the Government's remaining time? If so, when will the referendum Bill be published?

On a separate matter, the last time we addressed the programme for Government in the Dáil, which was prior to the 2011 Budget Statement, I pointed out that, on education, the programme says, "Those with special needs will be safeguarded". I asked the Taoiseach at that time if he would rule out any further cuts to special needs assistance and other supports and if he would keep to the commitment contained in the programme for Government to, "continue to develop therapy services for children with special needs attending mainstream schools". I am sure Deputies of all political interests in the House know that, following a directive issued in December, special educational needs organisers, SENOs, are no longer in a position to appoint new special needs assistants, SNAs. In fact, the only power remaining to them is to cease SNA support for a specific child in need of special needs assistance in the classroom. Given the commitment in the programme for Government, the Taoiseach's own response before the 2011 budget and the fact that children who are, by SENO assessment, in need of special support are not getting it, will the Taoiseach, in the weeks remaining to him, ensure that this draconian diminution of support is reversed, in the interest of children who need this special intervention at a critical stage of their educational development?

**The Taoiseach:** As for the first matter, I indicated late last year that much advanced, detailed and good work has been done regarding a proposed wording for the children's referendum. As the Deputy noted, this was brought to the attention of the Cabinet and approval was given for the Minister of State, Deputy Barry Andrews, to speak to spokespersons from other parties in the House and then to proceed to publish a wording, subject to those discussions or on the basis of having those discussions at the same time or listening to what people have to say and getting their views on it. This issue has been raised constantly in this Chamber and much work has gone into it. I believe it to be a good body of work and those who have had the opportunity to study it regard it as such.

The question of when it will be taken is a matter yet for decision, consistent with the requirements for the holding of referendums. Consequently, no decision has been taken as yet for the holding of a referendum. However, I believe the work that has been done to date should be brought into the public domain and discussed with Opposition Members and the Government will make a decision. While the Government obviously will reserve its right to make a decision, it wishes to hear the views of others and this is the process in which the Minister of State is engaged at present.

In respect of the second matter, as the Deputy is aware all the budgets have been allocated for this year. Moreover, he is aware that we are in a tight situation with regard to expenditure and the expenditure ceilings must be respected. The Government has made every effort in the course of pre-budgetary discussions over many Cabinet meetings to protect to the greatest possible extent those in our society who are most vulnerable. The Government is very proud of the record it has achieved on the disability issue over many years and there has been a transformation in the last five to ten years in the provision of funding, structures, resources and personnel. There now are thousands of the special needs assistants mentioned by the Deputy whereas ten years ago, they numbered in the hundreds. Again, it is a question of being obliged to work within budgets. Although it is not possible to change that, it also is important that the SNA system both works with the best possible efficiency and meets the needs of those who require it. A very good job is being done, in the circumstances, in that regard. I simply contend that the allocation of resources has been made. It will be a continuing priority for the Government to seek to protect to the greatest possible extent those who are most vulnerable in our society. We must ensure this is achieved to the greatest possible extent. This task will be ongoing during the course of this financial year but it certainly is a sentiment that has been expressed by the Government to the agencies concerned.

**Deputy Caoimhghín Ó Caoláin:** In respect of the first matter, given that the Taoiseach has indicated that the Government has not yet made a decision, does he believe that within what presumably is a period of weeks that remains, there is a sufficient timeframe to accommodate the publication of the referendum Bill, the presumable appointment of a referendum commission and all the other elements, including the finance, to underpin a referendum campaign? Is this feasible or doable within the time that remains?

On the second matter regarding children in need of special needs assistance, particular cases have been brought to my attention in which the individual child is regarded as being, in the phrase used by the special educational needs organiser, SENO, involved, of the highest priority. However, there is not at present within the gift of the SENO the opportunity to appoint a special needs assistant as the aforementioned child undoubtedly requires. The situation is highly serious and I again use the opportunity, in the limited time that is open to me, to ask the Taoiseach to revisit this particular area because children will lose the chance to avail of essential supports in preparing for their current and future education prospects.

Finally, what of the section in the programme for Government entitled, Protecting the Family Home? I note that repossession orders have increased from 109 in 2007 to 311 in 2010.

**An Ceann Comhairle:** Deputy, we really must move on.

**Deputy Caoimhghín Ó Caoláin:** I suggest that this is but the tip of the iceberg. What action can be taken to advance the measures in the Taoiseach's own programme for Government? I am citing from it directly. It refers to reduced interest rates, longer maturity dates and the rolling-up of outstanding interest. Are steps being taken to give effect to those stated objectives to address the difficulties families are facing in paying mortgages today? Is there any prospect that the Taoiseach will have something in place over the short period of time remaining for the Government?

**The Taoiseach:** On when the referendum will be held, I have to await the advice of the Minister of State concerned based on the discussions he has had in the past number of weeks with his colleagues in the House. When he reports back to Government very soon it will enable us to make a judgment as to the best way forward.

[The Taoiseach.]

On the second matter, in Ireland, compared on a *pro rata* basis to other countries, thankfully there is a very small percentage of repossessions, many of which relate to hand-overs or the sub-prime market. I understand there are approximately 870,000 mainstream residential mortgages out of a total of 1.4 million homes in the country. The statutory code of conduct and the various measures which have been introduced were a result of the work completed by a committee that was appointed by the Government to determine how we could improve and extend grace periods for people in difficulty and find solutions based on people engaging directly with financial institutions.

It was decided they would operate and deal with those issues in a manner consistent with the code of practice. For many people it has been a practical way in which their circumstances can be factored into repayment scheduling, etc. It is an ongoing issue and a lot of work is being done by MABS and others. Various measures, such as mortgage interest subsidies, have been taken which have been helpful but the ideal situation is for people to return to repayment schedules consistent with the terms and conditions of their mortgages.

Some people find themselves, unfortunately, in understandable difficulties because of their circumstances. The way we have found to engage between the financial institutions and those who have mortgages in difficulty has proved to have practical effect and success.

**Deputy Caoimhghín Ó Caoláin:** The Taoiseach did not respond to my second point. Is there anything he can do?

**The Taoiseach:** The relevant Minister will have to take up some of the representations received in respect of individual cases. I hope ways and means will be found for those in need to be accommodated. Pursuing public service reform is about making sure that we release moneys, to the greatest extent possible, to the areas of the public service which require resourcing in addition to what is already being provided. We have made extensive efforts, despite the difficult financial situation in which we find ourselves and the need to reduce expenditure, to emphasise that we want such issues dealt with as sympathetically as possible.

Where there are problems we need to deal with them on an individual basis. The relevant Minister will give the Deputy a better overview as to the constraints of resources and the impact that is having.

**Deputy Eamon Gilmore:** When the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, announced in November that his party would withdraw from Government and a general election would be called by the end of January, he effectively made the programme for Government redundant. Following that announcement, was there any discussion between the two parties in Government to identify which provisions of the programme for Government would be completed and which would be allowed to lapse?

**The Taoiseach:** Prior to Christmas it was decided that having completed the budgetary process and introduced and enacted the Social Welfare (Miscellaneous Provisions) Act, a parliamentary schedule for this term, setting out the legislative priorities, would be issued. The Deputy will have a copy of that to hand. Those are the issues we want resolved and dealt with in this term.

Other parts of the programme are at various stages of implementation. Some are advanced, others are half way through and progress is slow on others. These are issues that will be taken up in due course, whatever the situation is later in the year. This may involve a continuation of policy initiatives, their modification or they may be discontinued. That is a matter for a decision in the future. In the meantime, we will produce a report shortly on the state of imple-

mentation of the programme for Government, which has been a revised programme since October 2009, in which we will be able to indicate the rate of progress made on a whole range of areas over the past three and a half years.

**Deputy Eamon Gilmore:** Will that report address the issue of appointments to State boards? The programme for Government was very clear that it was intended that legislation would be introduced to provide a new procedure for the making of appointments to State boards, which would include the advertising of the vacancies concerned. I note that over the Christmas recess the Government stuffed State boards and that approximately 90 appointments were made to them. These appointments do not appear to have been advertised. What is the position on that particular commitment in the programme for Government?

**The Taoiseach:** It is unlikely, because of the term the Government has lasted, that it will be possible to complete that aspect of the programme. I do not accept for one moment the pejorative term used by Deputy Gilmore with regard to the filling of State boards. He is a person who often comes into the House and speaks about the need for proper corporate governance and the need for boards to act effectively. We cannot have an effective oversight mechanism of a board if we do not have the board filled by the numbers set out under statute to be members of the board so as to give strategic direction to the board and hold management to account. We often discuss in this House issues of management and accountability in some of these agencies, which require the oversight of boards and board approval for major policy decisions taken. Therefore, I do not accept the pejorative used by the Deputy. Where vacancies arise, they are filled in the appropriate and proper way in line with practice. None has been brought to my personal attention, but many of them can be filled by ministerial remit. As the Deputy is aware, very few State board appointments come to Cabinet for appointment, although there are some that require Cabinet approval and some, by convention, are brought for Cabinet approval. In the main, many vacancies are for departmental agencies etc. and these are filled by the Ministers concerned. I have no reason to doubt the calibre of any of the appointments that have been made.

I came into office in an unusual situation in 1997 when the Deputy was a member of the previous Government. Then, in the Department of Health my predecessor sought to fill health board vacancies throughout the country when the vacancies did not arise during the tenure of that Government but during my tenure. I felt then that the old principle, *nemo dat quod non habet*, applied. In other words, one cannot give what one does not have. When I made the decision to retract those appointments, as they were not properly and appropriately provided for under the Acts, I was described in various pejorative terms by the Opposition at the time. I was indeed threatened publicly with legal action by two of those appointees, who were Ministers of State when they were being appointed to the health boards. As the Deputy is aware, the law at the time was that a Minister of State could not be appointed to a State board. That was done at a previous time, but perhaps the Deputy was busy doing other things. It is certainly not something that attracted public comment from the Deputy at the time. I dealt with the issue appropriately and never got the writs. One of the appointees in question was from the Deputy's own party.

**Deputy Eamon Gilmore:** I deduce from the Taoiseach's response that we will not see the legislation the Government promised in the programme for Government to provide a new procedure for the making of State appointments. However, as I understand it from the Taoiseach's reply it will never see the light of day during the lifetime of this Government.

Why is legislation needed? Why after almost four years in office has this Fianna Fáil-Green Party Government not applied the principles set down in the programme for Government that

[Deputy Eamon Gilmore.]

vacancies on State boards would be advertised? The programme provides that vacancies will be advertised and applications invited. This would not have required legislation. The Government could have done that. Why then did it not do so, in particular given Fianna Fáil's unfortunate experience in 1997?

**The Taoiseach:** I was convinced that such a precedent could never be repeated by a Fianna Fáil-led Administration given the predilection of predecessors to do what they did. I am sure it was an oversight on their part. It may be as simple as their not having looked at the dates. I am sure it would not have attracted the criticism I received were it an oversight. It was certainly seen as a major——

**Deputy Eamon Gilmore:** The Taoiseach is dining out on it anyway.

**The Taoiseach:** It is a great one to throw back at Deputy Gilmore, given his indignation on this. Sontes in glass houses come to mind when the Deputy raises questions like this. However, it is important for the Deputy to make his point. It is a fair point. I am of the view that in appointments to State boards one must appoint people with the required skill sets and who are capable of making a good contribution to the boards. That is the position in the majority of cases. We need to be careful to ensure that we do not find ourselves in the situation whereby people who would otherwise serve on boards -these are often non-executive positions — shy away from doing so because they are the centre of political controversy, which can be legitimate and valid in many cases usually on a management basis. While boards are often justifiably brought into the equation they should not always be brought into it. We should look at the performance of each board and, if there is any suggestion of incompetence in terms of the operation of the board, people can bring the matter to the attention of the House which will debate the origin of the problem.

During my time as Minister and Taoiseach — I am not as Taoiseach involved in as many boards as would have been the case when I was a line Minister — I have found that, if not without exception, in the vast majority of cases those who were appointed to State boards took up such positions out of a sense of public service, diligence in their work or wanting to make a contribution. Despite the cynical view to the contrary, I do not regard political affiliation as being the axiomatic criterion for appointment to State boards. I reappointed many who were appointed to boards by predecessors from other political parties, based on their performance, competence and contribution. The record will show that.

As regards the particular point made by the Deputy, if it is criticism that is being made of us then fair enough it is a valid criticism to make. It is an issue that can and should be addressed in a non-contentious manner in the future, if not already addressed by us.

**Deputy Enda Kenny:** I note the Taoiseach's response to the question on the children's referendum. The all-party Oireachtas committee on this matter did great work, which has been accepted across the board. However, while this matter has not been much of a priority in the recent past it now appears to have surfaced again as a real priority. Perhaps the Taoiseach will indicate the reason for the changes introduced by the Attorney General, which from a number of points of view, appear to render meaningless the intended impact, effect and consequence of the referendum. In view of the broad range of discussion that will be again required, does the Taoiseach agree it would not be practical, in the context of those discussions, the preparation of legislation and the seriously held views in regard to the ineffectiveness of what is now being proposed, to hold the referendum on the date it is proposed to hold the general election?

**The Taoiseach:** An assessment has to be made by Government on that matter. Good work was done by the all-party committee and a great deal of time was spent on it. The question of children's rights is a complex area and how that plays into the Constitutional rights framework is an important factor, which we need to address in an appropriate way. The Cabinet has not yet made a decision on when and how to proceed. The work that has been done was brought to the attention of spokespersons and my understanding was people may not have given their full agreement immediately to it. People recognise the quality of the work and we, as a Government, must decide whether it wishes to proceed or not.

I cannot say more than that until the Minister of State, Deputy Barry Andrews, comes back to the Cabinet as a result of the discussion he is having. This issue was raised constantly and charges were made that no work was being done on it and there was prevarication. That is not correct and the quality of the work that has been produced is testimony to the fact that the Government has to work interdepartmentally on this matter because of the various issues that arise and then come forward with what I believe will be a very coherent piece of work. I cannot comment further until the Cabinet discusses the matter beyond where it was when we last discussed it.

*3 o'clock*

**Deputy Enda Kenny:** Does the Taoiseach accept that because of the impact and the intended consequences for children and children's rights, the proposed wording has been altered significantly by the change proposed by the Attorney General to the Cabinet? Are there specific reasons for that because it appears to have been watered down significantly?

**The Taoiseach:** Basically it is question of ensuring that there are not unintended effects and that one brings forward a proposal that is appropriate and meets the requirements of the situation. The merits of the proposal cannot be discussed in the House until we have a structured debate on it and party spokespersons who have studied the matter in great detail can discuss it some time. Whether it is introduced as a Bill or as part of another element of the legislative process is a matter for decision. However, we, for the reasons outlined verbally by the Minister of State to Opposition spokespersons, have indicated what we believe to be the best way forward in all circumstances, taking into account all the work that has been done but recognising that the Government has to examine any proposals from the Oireachtas committee. As laudable as that work has been, the unintended effects or impacts it may have on certain areas have to be taken into account, explained and the Government must come back with a proposal and outline the rationale behind it. Members of the committee have been grappling with this complex issue, which needed careful and due consideration, for some time. The body of work is meritorious in itself.

**Deputy Enda Kenny:** We have had the Croke Park agreement since last November. It is critical as part of the Programme for Government in respect of public service workers who have agreed its terms. It is coming across clearly from public sector workers that there does not seem to be a sense of urgency to implement what has been agreed. For instance, we have not had a resolution to the teachers' contract or local government restructuring. There is a range of serious issues in respect of which there does not seem to have been much activity. A review is to be held in March of this year. Is the Taoiseach satisfied at the rate of progress to achieve what has already been agreed in the context of the Croke Park agreement and that it is making the progress for which both he and the Government signed on?

**The Taoiseach:** A lot of progress is being made based on the action plans that have been drafted. The Croke Park agreement is about delivering change at ground level in ways which will vary from place to place depending on the skill sets, mix of skills and numbers and all the rest of it that goes with the activity in which they are engaged. It is not a uniform, top-down



[The Taoiseach.]

approach. It is about working at management level with union representatives to make the changes that are necessary. The channels of revenue that are coming from the budget indicate the amount of money we have to deal with the issue.

The Croke Park agreement gives the flexibility to provide solutions which are not constrained by prior agreements or arrangements. In other words, it is about an engagement on the ground to do that. It is being proceeded with. I would love to see the process completed asap but we all know there are issues that have to be resolved. There are arrangements for quick referral upwards for resolution through arbitration of general issues that arise that are holding back any change process being implemented. For example, the Deputy will have seen the significant changes that have taken place on re-rostering of the Garda Síochána. That has been a major, long-term IR issue. Other changes involve staffing levels for new prisons and delivery levels in accident and emergency units in hospitals. Negotiations are ongoing on new contracts for teachers.

In the public service a new pension scheme for new entrants will be introduced. In the Civil Service there is agreement on a modern system for the management of sick leave designed to achieve a significant reduction in sickness absence rates. Some clearly inefficient practices on credited time and attendance patterns are being eliminated. Hundreds of staff have been moved from other areas of the Civil Service to social welfare offices to cope with increased demands. Staff have been redeployed to help process redundancy payments more speedily. More than 1,000 community welfare officers have moved from the HSE to the Department of Social Protection with effect from 1 January. That was a long-standing IR problem for years. That is a serious achievement in respect of that issue which many Members are aware has been a bugbear for many years. It is a significant move because it is cross-sectoral with staff moving from the HSE to the Civil Service. The Prison Service has opened new accommodation for prisoners at Wheatfield Prison and for female prisoners in Limerick Prison. Those new blocks have been opened with a new, more efficient staffing model based on the principle set out in the agreement. In the Garda Síochána revised rosters have been agreed in the specialised detective units and the traffic corps and to allow gardaí involved to be deployed more efficiently to meet demands for their services.

That is an indication of the sort of things that are happening throughout the various parts of the service whether in the HSE transferring to the Civil Service or within the Civil Service itself in the Departments of Justice and Law Reform and Education and Skills where we are seeking to make headway. The vast majority of the operational budget for the Department of Education and Skills is for wages and pensions. One is talking about 20% of the total budget in which one can try to make some progress. One can change work practices and get some improvements. This will be an ongoing process of change. The issue is that when management requirements arise in order to move things on because of the resources that are available the Croke Park agreement provides the umbrella framework, if one likes, in which people can engage and sort out the problem quickly rather than each individual problem creating an IR problem that goes back into the general IR system through the Labour Court and the Labour Relations Commission.

It is a very significant development, one that has the potential to bring transformational change in the public service delivery. It is evident that it does involve a cultural change as well. With good leadership from both sides in the public service very important changes that have long-term financial and economic benefits and deliver better public services in a more customer-oriented way is available to us if we continue to support and encourage the implementation of the Croke Park Agreement as quickly as possible.

**Deputy Enda Kenny:** Arising from the Taoiseach's reply I wish to ask him a further question in that regard. The Taoiseach is well aware of the IMF-EU agreement. The actions proposed at the end of quarter 3 for 2011—

**The Taoiseach:** What agreement?

**Deputy Enda Kenny:** The IMF-EU agreement. It states clearly that in the event of potential shortfalls in projected savings arising from administrative efficiencies or public service numbers reductions, the Government will consider an appropriate adjustment, including adjustment to the overall public service wage bill. In the context of that element of the quarter 3 section of the agreement, what is meant by an "appropriate adjustment" to the overall public service wage bill? Does this mean that in the event that the review does not measure up in terms of the Croke Park agreement the Government must either re-open the agreement in respect of the numbers employed by the public service or that it would take a unilateral decision to have further wage cuts? The sentence refers to an "appropriate adjustment, including to the overall public service wage bill". If the review is not sufficient, what is the underlying decision of the Government? Is it to re-open the agreement in respect of the overall numbers? Is it to take a further slice off further public salaries?

**The Taoiseach:** Our position on the Croke Park agreement has not changed and we are keen to see its accelerated implementation. It is on the basis of getting the changes envisaged by the full implementation of the agreement that we have been able to give our commitments. Our commitments are given in the context of full implementation. In the absence of full implementation, the ability of the Government to fulfil its side of the bargain is more difficult. The scale of change in a system of more than 300,000 people requires agreement and leadership at all levels. This is the significance of the agreement. It is based on shared principles and specific, agreed commitments.

People seem to have forgotten that the Croke Park deal was negotiated against a background of escalating industrial action and the agreement put an end to that. By accepting the Croke Park agreement, public servants have accepted the imposition of a pension levy and pay cuts resulting in an average, combined reduction of 14% in pay. It has resulted in an estimated annual pay saving of €1.8 billion. The agreement provides for an effective freeze in pay up to 2014.

There has already been a reduction of approximately 12,000 in public service numbers since the end of 2008. In line with the national recovery plan, there will be an overall reduction of almost 25,000 by the end of 2014 from the end of 2008 base level. In contrast with the experience in other countries, where less severe reform measures have been pursued, there has been no industrial unrest. We have managed service continuity, which is especially important to the most vulnerable in our society. The reduced numbers mean there has been increased productivity throughout the public service as well as a reduction in the public service pay bill. Therefore, we are getting more work for less money and this will continue. Changes in work practices will also lead to reductions in the cost of overtime and other forms of variable pay. Unions have agreed that services can be restructured, work locations can change and services to the public can be offered over longer periods. New technology will be employed to deliver services in better ways to the public. Staff may be redeployed to the areas where they are most needed. As we identify areas of lower priority and reduced demand we can redeploy people smoothly to new and higher priority tasks within their organisations, into other organisations and other parts of the public service.

Given our serious financial situation we now have fewer organisations, fewer people, who are paid less and whose pension arrangements are changing. This has been achieved by agree-

[The Taoiseach.]

ment without major industrial disputes which would have damaged our reputation or impacted on the most vulnerable. There is a promise of more change to come in terms of a further reduction in numbers and greater flexibility, redeployment and substantial new work practices. The public service unions accept that the guarantees the Government has given in respect of avoiding further pay reductions and compulsory redundancies are dependent on full co-operation and flexibility being shown across the board.

**Deputy Enda Kenny:** That is a fair summary and it is important to note the principle that public service workers want this agreement implemented. In the context of what the Taoiseach said about the best use of staff, Deputy O'Mahony has reminded me that there are 160 staff in the Garda Training College in Templemore but no students. I am sure this is a situation the Taoiseach would not like to see continue. Is there another coterie of trainees to be sent to the college soon so that the staff can be employed in full fashion?

**The Taoiseach:** I am not aware of the specifics in particular issues. Action plans are in place in the Department of Justice and Law Reform and the Garda Síochána to deal with the issue raised by Deputy Kenny. I will bring it to the attention of the various authorities, which must be aware of it, to see what plans are in place in the event of reduced recruitment in the future and how the personnel employed in the college in different times can be redeployed to other duties, if that is what is intended and suggested.

### Priority Questions

---

#### State Airports

53. **Deputy Simon Coveney** asked the Minister for Transport his regional strategy having announced the ending of State funding for Galway, Knock, Sligo and Derry airports without any consultation or political debate; and if he will make a statement on the matter. [2630/11]

**Minister for Transport (Deputy Noel Dempsey):** Having considered the value for money review of Exchequer expenditure on regional airports, the Government has agreed to support the continuation of a public service obligation, PSO, route between Donegal and Dublin airports and Kerry and Dublin airports. In line with the review, the Government has also agreed to cease requiring PSO routes between Dublin and Sligo, Knock, Galway and Derry airports from July 2011.

The review, published last Wednesday, involved extensive consultations with a wide range of stakeholders including the regional airports, the BMW regional assembly, IDA Ireland, the Irish Aviation Authority, Fáilte Ireland, Tourism Ireland, Enterprise Ireland, Aer Arann and Ryanair. Under updated EU legislation governing PSO air services, more stringent conditions will apply having regard, for example, to the availability of other transport connections and especially rail services with a travelling time of three hours or less. In the context of regional strategy, this decision took account of recent improvements in alternative transport modes, the change in EU legislation, the completion of the review and the requirement to make best use of scarce Exchequer resources. Overall, the combination of an improved surface transport network with a more consolidated air service network to regional airports, together with the three State airports, provides the necessary transport access to underpin Ireland's sustainable development.

In addition to the PSO scheme, two other schemes provide Exchequer support to the regional airports. The core airport management operational expenditure subvention scheme, OPEX, covers all or part of the airports' operational losses in any given year and the capital expenditure grants scheme, CAPEX, provides finance towards the cost of necessary infrastructure at regional airports. I am giving further consideration to these schemes and will revert to Government shortly with proposals.

**Deputy Simon Coveney:** The Minister has misled the House. There was certainly no extensive consultation before his announcement last week that he was cutting the PSO levy for services between Dublin, Sligo, Galway, Knock and Derry airports. The announcement came as a shock and surprise to many. We were expecting to have a robust and, potentially, difficult debate around the future of regional airports, their funding and State supports and putting in place a new and more effective PSO to link regional airports with Dublin. No one was expecting the Minister to announce the Government was pulling PSO funding from four airports in the west without publishing the value for money review. The review should have been the subject of a debate in this House before significant decisions were taken that will impact seriously on the west and regional development policy. Will he explain the rationale behind his decision to cut the PSO levies?

**Deputy Noel Dempsey:** I reject out of hand the Deputy's contention that I misled the House. In my reply, I outlined the various bodies and organisations that were consulted. To my knowledge, all of the regional airports made detailed submissions both to my officials and to me. I met a number of representatives from the regional airports in various places — including at the BMW regional assembly — and at different times. I, therefore, reject out of hand the Deputy's contention in this regard.

I can excuse the Deputy for not being aware of what is happening. After all, it was not long ago that he was appointed his party's spokesperson on transport. However, he is the only person who should have knowledge of this matter who was caught by surprise by the announcement.

**Deputy Simon Coveney:** That kind of smart response does not help anybody. There are people who are extremely concerned that airports in the west are going to be obliged to close as a result of the Minister's announcement last week. I have also met representatives from most of the regional airports. I accept that these airports made representations to the Minister in the context of justifying their existence. However, that is not the same as consulting someone before shutting off their revenue source. Since I became my party's spokesperson on transport, the Minister provided a commitment to me to the effect that a debate would take place in the House in respect of regional airports and their future and the PSO levy and its role regarding the future viability of such airports. The Minister has decided to ignore that commitment and simply announce a reduction in funding from July onwards. Why did the Minister not publish the report and then engage in a debate — which would have been broad in nature and which would have focused on regional policy and the role of airports therein — on it within the House before making his decision?

**Deputy Noel Dempsey:** If the Deputy makes smart comments, he can expect smart responses in return. He will be aware that the current PSO contracts end in July. He will also be aware of the severe financial constraints under which the current Government is operating and under which its successor will be obliged to operate for the next three to four years. Decisions must be made and endless prevarication in respect of issues of this nature is of assistance to no one.

[Deputy Noel Dempsey.]

As the Deputy has admitted, consultations took place. The terms of reference relating to the consultation process are listed at the back of the value-for-money review document and everyone was aware of the destination to which that process was leading. On the basis of the submissions made, the advice received and, as already stated, the nature of the country's current financial circumstances, the Government made the decision I outlined earlier.

### Severe Weather Events

54. **Deputy Joe Costello** asked the Minister for Transport if he has reviewed the operation of his Department and of the various transport services throughout the severe weather crisis in December 2010; if he has satisfied himself that road, rail and air transport operated to their optimum; his plans to replace the ad hoc National Emergency Co-ordination Committee with a more permanent, structured and robust body; and if he will make a statement on the matter. [2633/11]

57. **Deputy Tom Hayes** asked the Minister for Transport if following the extreme weather conditions experienced in January and December 2010 he will be implementing alternative plans to ensure that there will be no shortage of salt and grit; the organisation of how national and non-national roads are to be gritted which were an issue in 2010; if further expenditure in the form of snow ploughs, or other equipment is necessary; if an instruction needs to be made from him regarding the provision of salt and grit to the community for distribution through local authorities; and if he will make a statement on the matter. [2508/11]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Question Nos. 54 and 57 together.

The Government's emergency task force, under the auspices of the Department of Defence, is the framework around which national emergency responses are co-ordinated. Under the published emergency planning procedures, the national response to severe weather events is lead by the Department of Environment, Heritage and Local Government. The Department of Transport plays a support role in responding to such events.

The severe weather interdepartmental co-ordination group met daily during the recent severe weather in to co-ordinate the national response and monitor impacts across all sectors country-wide. Following a meeting last Wednesday, the group has already commenced a review of the overall response to the recent event. The review will, among many issues, contemplate transport-related matters, community involvement and salt management issues. It is expected to be largely completed over the next four to six weeks and Government Departments, including mine, will be actively contributing to the review based on their experience in December.

As Minister for Transport, I have responsibility for overall policy and funding for the transport sector. The issues raised by the Deputies fall mainly within the operational responsibilities of the relevant agencies — be it the National Roads Authority, the public transport companies, the Dublin Airport Authority or the local authorities — and I have no direct function in respect of them. Following the 27 days of severe weather which commenced on 28 November 2010, overall transport preparedness was much improved on that of winter 2009-2010. This was due in part to the implementation during 2010 of recommendations from the review by the task force into the earlier event. As part of overall transport preparedness, the NRA launched the draft winter maintenance guidelines in early October 2010. These provided a comprehensive framework for local authorities to plan standard winter maintenance, including a schedule for severe weather. The authorities were requested to select routes in their areas for treatment on

a priority 1, 2 and 3 basis, where all three priorities would be regular winter maintenance routes but were there would be a reversion to priority 2 and-or 1 as a severe weather event extended.

The NRA was also tasked with centrally procuring salt supplies. However, it was left open to local authorities to purchase their own supplies directly should they wish to do so. The decision to have the NRA purchase salt on a centralised basis contributed to a stock of 50,000 tonnes being available at the start of this winter, with a further 50,000 scheduled for phased delivery over the period to the end of this month. This compares to 10,000 tonnes at the start of winter 2009. Some €6million was also made available by the NRA for additional dry storage facilities for stocks of de-icing salt and a further €2.5million was made available for grit spreaders, snow blades, etc. for local authorities.

I understand that the CIE companies and Luas implemented pre-agreed operational plans for severe weather and, with the support of the local authorities, managed in extremely difficult conditions. Even with the severity of the weather, our airports managed to provide a high level of service and snow-related closures were kept to a minimum. The larger impacts on air travel to and from Ireland were more associated with weather difficulties at major airports abroad. Within the transport and local authority sectors, the commitment of front-line staff in responding in extremely difficult conditions is to be commended.

**Deputy Joe Costello:** I thank the Minister for his wide-ranging reply. I agree with his point regarding front-line staff — whether they are employed in the area of public transport or the local authority sector — who performed miracles on a round-the-clock basis in seeking to ensure that services would not be disrupted. I cannot, however, agree with the Minister's statements to the effect that there was adequate preparation and that the response to the recent severe weather represented a great improvement on what happened previously.

What happened in January 2010 was a debacle. We had no Minister, no salt, no grit and no co-ordination. In the aftermath of last January's events, it was proposed that the NRA would provide salt to the various local authorities. The only other arrangement that seems to have been put in place was a commitment to keep the main roads open. That left a great deal to be desired. Adequate supplies of salt were not provided and, as a result, rationing occurred and local authorities were obliged to mix the salt with grit. In addition, supplies were landed in Cork when they were needed in Donegal. During the four weeks of severe weather leading up to and during the Christmas period, there was no indication that the authorities had learned the lesson which they should have learned following the events of January 2010.

Adequate provision was not made to keep the national transport system operating fully during one of the busiest periods of the year, namely, the Christmas holidays, when people travel into, throughout and out of the country. In the context of this year's review, is the Minister going to allow an emergency co-ordinating body to continue to operate or does he intend to put in place a national, planned structure that will be in a position to operate throughout the entire year? A structure such as that to which I refer should be ready to deal with events that were regarded as emergencies in the past but which are currently becoming the norm. Is the Minister merely going to continue with what is already in place rather than establishing something far more comprehensive in order to ensure that there will not be a recurrence of the events that happened in December?

**Deputy Noel Dempsey:** I acknowledge what the Deputy said in respect of front-line staff. I do not agree with him that the response to the severe weather in December was not much improved on what happened last January. As stated earlier, there were only 10,000 tonnes of salt in the country in January of last year. In December, supplies of some 50,000 tonnes were on hand. Those supplies were managed much better on this occasion than was the case last

[Deputy Noel Dempsey.]

January. Salt was mixed with grit in certain circumstances because such a mixture is more effective for dealing with snow than is the case with regard to ice or black ice. The additional equipment that was provided, the storage facilities for salt that have been made available and other matters to which I referred earlier also represent improvements. That said, I agree with the Deputy that nothing is perfect and that one will not always get everything right. New issues emerged on this occasion, principally the fact that it happened over 27 days, which was a long cold spell. However, I believe it was catered for much more effectively and efficiently than previously.

While we can of course make improvements, if the Deputy is suggesting, as I am sure he is not, that we can magically reach some situation where the 90,000 km of roadway in the country will be kept open during severe weather, that is just not possible. The main target was to ensure that the roads that carry 60% of the ordinary traffic and 80% of the commercial traffic were kept open. That was the priority and any aim below that was to assist locally to try to reach hospitals, factories, schools and so on, which the local authorities made a reasonable effort to do. Nonetheless, I take the point made by Deputy that in general we should learn from each of these events, try to improve as they happen and try to plan for them. A fair summary of what happened on this occasion is that we achieve that.

**Deputy Tom Hayes:** Nobody underestimates the difficulty in doing a fair job in this regard and I acknowledge that much effort has been made. There is another side to this issue, however. For example, I understand there were many accidents this morning following cold weather last night. Bad bends, hills and other stretches of road should have been identified by the county councils, which know them best, but the county councils are not allowed to salt or grit them to help make them safer. While we have learned from last year, we are far from perfect and have a long way to go to improve on that. The Minister should take cognisance of the fact that people are on the roads. The views of ordinary council workers are not being taken into account. I urge the Minister to reconsider the situation and take on board what these people are saying.

**Deputy Noel Dempsey:** The responsibility for local and county roads is a matter for the local authority, within its resources. The primary source of resources for gritting local and regional roads should be the local authorities but, unfortunately, it is not, as the taxpayer is the central source. However, the local authorities are the bodies which advise the NRA on the actual routes that are to be gritted, and this information is put into a national database. I agree with the Deputy that the county councils should consider this issue.

We have had two very severe experiences inside a 12 to 14 month period. As in Dublin, where there was a difficulty with buses and other vehicles on certain streets, the local authorities now know, if they did not know before, that there are particular difficulties in some areas. I agree with the Deputy that they should examine local arrangements to ensure there is some supply of salt or otherwise close to such locations, and this might mean enlisting the help of a local farmer on a hill or close to an area that can become dangerous. I know the Deputy favours this as I have heard him speak of it previously, and it is something I have fed into the review process. It would be a helpful development.

**Deputy Joe Costello:** I cannot agree with the Minister that the planning was adequate for the severe weather we experienced. The supply and delivery of salt was certainly not adequate and the fact that Dublin Bus closed most nights at 9 p.m. was unsatisfactory, as was the fact there was no antifreeze at Dublin Airport and the snowploughs there were not adequate to deal with some of the snow.

There was very severe weather towards the end of November and throughout nearly all of December, which may be an eventuality we will experience on a regular basis. Will the Minister put in place, if not an emergency plan, a structured national plan with a budget so the local authorities, the Department of Transport and the other relevant bodies are able to prepare well in advance and ensure we do not have a situation where people's travel plans are destroyed at one of the busiest times of the year, which is what happened in many cases? While the Minister for the Environment, Heritage and Local Government has the lead role at present, given so much transport is involved, it might be more appropriate that the Minister for Transport would have the lead role.

**Deputy Tom Hayes:** I welcome the Minister's comments. To have this followed up and put in place, will the Minister draw up guidelines with the Department of the Environment, Heritage and Local Government? Has he spoken with the Minister, Deputy John Gormley, in this regard? What the Minister, Deputy Dempsey, has said is very sound and sensible. I ask this in the context of progressing the issue.

**Deputy Noel Dempsey:** As I said, that is part of the review process. Following the incident this time last year, I had meetings with the IFA in regard to the possibility of enlisting its aid. While it has welcomed that, we need to move that process forward. The question of guidelines and plans is under review and, while there is a plan, it needs to be updated and improved.

To be fair, if one considers what happened across the water and across Europe in similar circumstances, I believe we in this country did much better in dealing with this issue from a transport point of view than any of the other countries. We can be very proud of that because we very often spend our time knocking what has happened, although I know nobody present has knocked the efforts made by the front line staff. Overall, our response was much better than in other places and was much improved. Again, I accept the point we can always improve more.

### State Assets

55. **Deputy Simon Coveney** asked the Minister for Transport if his attention has been drawn to the plan of the Spanish Government to part privatise their national airport authority and air traffic control in 13 airports; if he has given consideration to such an initiative regarding the Dublin Airport Authority; and if he will make a statement on the matter. [2288/11]

**Deputy Noel Dempsey:** The Deputy will be aware that part of the terms of reference of the review group on State assets and liabilities, chaired by Mr. Colm McCarthy, is to consider the potential for asset disposals in the public sector, including commercial State bodies such as the Dublin Airport Authority. When that review has been completed, I will consider any recommendations with regard to the Dublin Airport Authority. I answered a question on this some time ago and generally indicated that I would think long and hard before I would favour privatisation.

**Deputy Simon Coveney:** I tabled this question to try to get an understanding of the Minister's thinking on how we can resolve a difficult situation whereby the Dublin Airport Authority, which controls and owns the three largest airports in Ireland, is heavily indebted to the tune of approximately €1.2 billion. The cost of servicing that debt means it is difficult for it to reduce airport charges sufficiently to attract new airlines and traffic through airports, which is needed because passenger numbers have dropped by some 29% in the past three years.

I hope the Minister will respond. This is not about privatisation or selling off assets. This question refers to what the Spanish Government is considering at present, which is to sell a minority stake in its State-owned airport operating company in order to raise capital to reduce



[Deputy Simon Coveney.]

the debt repayments that are required from that company. Is the Minister thinking along similar lines in an effort to bring down airport charges and drive up passenger numbers, which is ultimately what the economy needs?

**Deputy Noel Dempsey:** To put the Deputy's comments in context, the airport charges at Dublin Airport are well below the average and, if I recall correctly, are probably one of the lowest sets of airport charges anywhere in Europe for an airport of its size. Therefore, I would not start from the premise that our airport charges are higher than elsewhere or that we are not in line with the rest of Europe. The reality is that we are much better placed than other countries.

I agree with the Deputy that the lower we can keep the charges, the better it will be for consumers. However, privatisation or part-privatisation of an asset such as the Dublin Airport Authority might cause its own difficulty. One would, quite rightly, have to put on one side of this equation the possibility that if the three airports were split up, there might — and it is only a maybe — be greater competition. It is difficult to prove it would be so, but that is certainly one side of the argument. However, the other side of the equation which must be taken into account is the question of whether, in selling or diluting the State's share in the airport, one would be in a position to secure the type of investment in infrastructure that is necessary, particularly, for example, investment in runways before they are needed in order to facilitate future expansion. There is a debate to be had in this regard, and that can take place as soon as the McCarthy report is made available.

**Deputy Simon Coveney:** In regard to airport charges, the Minister is comparing Dublin Airport to airports in other European capital cities, which is not necessarily comparing like with like. The vast majority of capital cities have both a conventional airport and a low-cost airport, whereas Dublin Airport facilitates both services. In the case of low-cost airports which are served by airlines such as EasyJet and Ryanair, there are much lower charges.

We have seen almost a 30% reduction in passenger numbers and, at the same time, a 45% increase in airport charges. That is the reality. We cannot continue to compensate for falling passenger numbers by increasing airport charges. We cannot continue to subsidise the operation of airports that no longer have sufficient passenger numbers to cover their running costs. It is in this context that I have asked the Minister on several occasions what the Government approach is to this problem. Is it to facilitate competition between airports and potentially facilitate competition between terminals in terms of the operation of the two terminals in Dublin Airport or is similar to what the Spanish Government is looking at, namely, to sell a minority stake in the overall company? Is to continue with Irish aviation policy as it is, even though it is failing us and resulting in continuing falling numbers?

**Deputy Noel Dempsey:** The Deputy is incorrect in assuming that the reason for the fall-off in passenger numbers is the increase in airport charges. The reduction in passenger numbers, as is the case with CIE and other public transport companies, has more to do with general economic activity and the very severe hit we have taken in the context of the international recession. People are travelling less because they cannot afford it.

**Deputy Simon Coveney:** Passenger numbers have increased in every other European Union member state except for the United Kingdom.

**Deputy Noel Dempsey:** With a 9% fall in economic activity last year, it is true that we have been more severely hit than other countries. I am not comparing airport charges at Dublin Airport to those at airports in large cities such as Paris; the figures to which I referred relate

to capital city airports throughout Europe which are of comparable size, serve a similar population and so on. The reduction in passenger numbers is not down simply to airport charges. It may be a factor but only a minor one.

### **Road Network**

56. **Deputy Simon Coveney** asked the Minister for Transport following receipt of a report from the National Roads Authority in December 2010 on increased numbers of tolling stations on national primary routes, if he will publish this report; and if he will make a statement on the matter. [2301/11]

**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 2010-2016 document also referred to the possible introduction of further tolling on national roads and recommended that any 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. The authority's initial report was presented to me in November 2010. At this point, however, no decisions have been made in regard to additional tolling on specific national roads. I will be informing my Government colleagues about the position in regard to the investigation of options for a future tolling strategy shortly, and consideration will be given to publication of the options report in that context.

**Deputy Simon Coveney:** Will the Minister publish the report so that we can have a discussion on the justification, or not, for increasing the number of tolling points on the motorway infrastructure?

A story broke last week to the effect that the NRA is now requesting that toll prices be reduced at five tolling stations in line with deflation. What has the response been from the tolling companies to this proposal? I understand only one of them has responded positively. Does the Minister have an understanding as to why we have waited until now to call to task tolling companies which are clearly overcharging consumers in the context of consistent deflation since 2008?

**Deputy Noel Dempsey:** We have not yet published the report from the NRA because I have not completed my consideration of it and have not brought it to my Government colleagues for their information and consideration. On the second point, that is a matter for the NRA, which has direct responsibility in this regard. It is a contractual matter and not one in which I have a role.

**Deputy Simon Coveney:** Does the Minister not think it appropriate that he should comment on the fact that in five instances, consumers have been consistently ripped off and overcharged when using tolling booths on the national motorway infrastructure? As Minister for Transport, he has responsibility for the NRA. It is the authority's job to implement Government policy, roll out infrastructure and put in place contractual arrangements with tolling companies where appropriate, but when consumers are being overcharged and ripped off in using publicly owned infrastructure, surely the Minister has something to say.

**Deputy Noel Dempsey:** As I said, this is a contractual matter between the NRA and the tolling company. It is not one in which I, as Minister, have a direct control or say. Given that

[Deputy Noel Dempsey.]

the matter may end up in court, I do not want to be in a position where I might jeopardise anything the NRA may do. As far as I am concerned, the cheaper the toll charges, the better for motorists.

*Question No. 57 answered with Question No. 54.*

**An Leas-Cheann Comhairle:** The time for Priority Questions has expired. We will now move on to ordinary questions.

## Other Questions

---

### Road Network

58. **Deputy Jack Wall** asked the Minister for Transport his commitment for funding the construction of a dual carriageway from Aughnacloy to Derry the A5; the estimated cost of the project; the progress to date on the project; the amount of money already paid by his Department; the schedule of future payments; if the construction of a dual carriageway from Aughnacloy to Dublin is part of the commitment made by him; and if he will make a statement on the matter. [2277/11]

**Deputy Noel Dempsey:** Under the agreement of March 2007 between the Irish and British Governments on a funding package to support the restored Northern Ireland Executive, the Government made a commitment to provide funding of £400 million, or €580 million, in a roads investment package for Northern Ireland which will contribute to the upgrading of the A5 road from Aughnacloy to Derry to dual carriageway status. The Government's contribution will be made on the basis of actual expenditure incurred during the development and construction phases.

In this context, drawdown of funding depends on the achievement of agreed project milestones and clearance by the cross-Border roads steering group and the North-South Ministerial Council. A payment of €9 million was made in 2009 towards the cost of the project. The A5 project is being implemented by the roads service of Northern Ireland and the overall project budget is a matter for the Northern Ireland authorities. I understand the third project milestone — publication of draft orders — was achieved in November last year.

With regard to the Aughnacloy to Dublin route, as Minister for Transport I have responsibility for overall policy and funding in regard to the national roads programme element of Transport 21, but the implementation of individual national road projects is a matter for the National Roads Authority under the Roads Act 1993 in conjunction with the local authorities concerned.

**Deputy Joe Costello:** A good road between Dublin and Derry would certainly be welcome and desirable. I presume the Minister meant to say €480 million, as distinct from €580 million. It is in the region of half a billion euro. Is that part of the text of the St. Andrews Agreement? If so, was the commitment to build a road from Derry to Dublin, or from Derry to Aughnacloy? In other words, are the two sections of the road to be done simultaneously? Are we to have two dual-carriageways? Is that part of the commitment or is it simply a commitment that the Irish Government intended to provide the €480 million to the Northern Ireland Government?

Do we have any control over the delivery of that money or over the planning development that takes place? If the Government in the North of Ireland was to change its mind and have

a motorway, will we still deliver the money? If it changes its mind and has a two-in-one road, will that be the same? Is the commitment that as the money is requested the Irish Government provides it? Most of the road development that has taken place to date has been in the context of public private partnerships, which require very little money up front. At present, half a billion euro is being provided to Northern Ireland when the British Government is giving us a bailout of €7 billion. It sounds not just ironic but contradictory.

**Deputy Noel Dempsey:** If one makes a commitment at a time when money is available, one cannot really decide to renege on it when a project starts. I do not think that would be helpful in any context, but particularly in the context of the peace process. This agreement was made in the context of the overall agreement leading to the restoration of the Northern Ireland Executive in 2007. We agreed to provide the package of money comprising £400 million in a roads-investment package for Northern Ireland. In light of the Deputy's question, it is to be paid in the context of achievements of agreed project milestones and clearance by the cross-Border group and the North-South Ministerial Council. Those milestones are clearly laid out and each time, as they are met, there will be an entitlement to draw down on that money.

As regards the type of road involved, similar to here, that is a matter for the Northern Ireland Roads Service, which makes the decision, having gone through due process. It is envisaged, however, that it will be a dual-carriageway.

On the procurement of the road, contractors have been appointed to three sections of the route. Section one comprises the new buildings to the south of Strabane, section two is south of Strabane to south of Omagh, while section three is south of Omagh to the Border at Aughnacloy. It is expected that the scheduled completion date for the whole lot will be July 2015. The £400 million commitment is for the Aughnacloy-Derry section of that road. What the NRA will do on either end is a matter for that authority within its own budgets.

**Deputy Joe Costello:** I presume that no value-for-money audit has been conducted for this project, as has been the case concerning much of the road building that has taken place. Do we not have a difficult situation here, however? Can we afford to put half a billion euro up front at this point? The Minister has already cut the PSO to Derry, which is the connection between Derry and Dublin. The bailout we obtained from the British Government is in the region of €7 billion to €8 billion. Meanwhile, in the current budget we are cutting all services right, left and centre, including education and social services. Is there scope therefore for revisiting the arrangements made? I have not been able to find a copy of any text concerning these arrangements. Will the Minister publish the text of the commitments and agreements made?

**Deputy Noel Dempsey:** It sounds to me very much as if the Deputy is looking for a way to renege on this commitment, if he gets into Government after the next election. I hope that is not true because if he does so he will renege on the people of Donegal, apart altogether from the commitment to the peace process of which this is a part. This was agreed as part of the deal that restored the Northern Ireland Executive, but it sounds very much like the Deputy is looking for a way to renege on it.

**Deputy Joe Costello:** The Minister should not put words in my mouth.

**Deputy Noel Dempsey:** It is the only thing I can conclude. I am a reasonably intelligent person.

**Deputy Joe Costello:** This side of the House would like to see the facts before embarking on projects like this.

**Deputy Noel Dempsey:** Given the whole tone of the questions posed by the Deputy and the line he is following, it would appear to me that he believes this money can be reneged on, that we can renege on the people of Donegal, and that we do not need this road. We got involved in this project because the Government felt this was in our mutual interest. It was certainly helpful for the peace process but was also helpful for the people of Letterkenny and north-west Donegal to ensure that they have a direct link to Dublin.

**Deputy Joe Costello:** The Minister did not answer the question. Will he publish the commitments and arrangements?

**An Leas-Cheann Comhairle:** I am sorry but we need to move on. I am calling Question No. 59 in the name of Deputy Durkan.

### Transport Services

**59. Deputy Bernard J. Durkan** asked the Minister for Transport the full extent of any discussions he has had with the various transport and safety authorities associated with or responsible for the provision of the various forms of transport and ancillary services throughout the country such as all air, road, rail and marine services with a view to possible provision of a well integrated and co-ordinated transport plan and service including appropriate parking and safety facilities; the outcome of any such discussions along these lines with such companies as the National Roads Authority, Iarnród Éireann, Bus Átha Cliath, Bus Éireann, Aer Lingus, Aer Arann and the various airport authorities; and if he will make a statement on the matter. [2409/11]

**Deputy Noel Dempsey:** My Department and I keep in regular and ongoing contact with the various transport agencies on matters relevant to general transport policy.

Transport 21 is the Government's multi-billion euro integrated investment programme, which provides for investment in our national roads and public transport network. The objectives of the programme include improved accessibility, sustainability, capacity, safety and integration.

A large part of the programme has already been delivered, including over recent months the extension of the LUAS line to Cherrywood, the new Dunboyne rail service to Dublin, and the completion last month of the final section of the inter-urban motorway network.

The inter-urban network has greatly enhanced the journey times and connectivity between Dublin and the provincial cities, and has enhanced the safety of road users generally. In addition, the integrated vision for a sustainable transport future for Ireland by 2020 was set out in the Government's smarter travel policy document. Progress reports on the implementation of smarter travel can be accessed from my Department's website.

In December 2009, I established the National Transport Authority which provided the integrated institutional framework to underpin the development of all public transport road and rail services. The authority has been given responsibility for the development of an integrated transport system within the greater Dublin area. The principal functions include: strategic planning of transport; development of an integrated, accessible public transport network; promoting cycling and walking; provision of public transport infrastructure generally, including light rail, metro and heavy rail; and effective management of traffic and transport demand.

I understand from the authority that work is well under way in preparing a new transport strategy for the greater Dublin area for the period to 2030.

At national level, the NTA has responsibility for securing the provision of public passenger land transport services. That includes the provision of subvented bus and rail services by Bus

Éireann, Dublin Bus and Irish Rail. The authority also has responsibility for the provision of integrated transport schemes in the regional cities and the contiguous areas surrounding these cities.

**Deputy Simon Coveney:** It is a fairly long question and it was quite a long answer. It was not a question put down by me. I want to ask a number of supplementary questions which the Minister might be good enough to answer. First, regarding integrated ticketing, which is relevant to the question, many people have been frustrated and bemused by how long it has taken to put in place the IT, software and hardware necessary to allow for integrated ticketing whereby people can move from bus to train to tram on the basis of the one ticket. I ask the Minister to outline for the record the time-line in terms of seeing integrated ticketing in Dublin and surrounding areas, which is the first phase, but also for people travelling to Dublin and to other parts of the country, to ensure that somebody who gets a bus to the train in Cork, gets the train to Dublin and then the Luas into the city centre can buy one ticket and get the flexibility and the value for money that brings.

Second, regarding the success of the dublinbikes project, one of the successes of the Minister has been to promote cycling, not just in Dublin but also in other parts of the country. Does the Minister's Department intend to replicate the success of the dublinbikes programme to other cities such as Cork, Waterford, Limerick, Galway and so on, and particularly to cities that are tourism destinations where there is a good deal of evidence to suggest that an extension of that programme would work well?

**Deputy Noel Dempsey:** The Deputy has asked me a specific question on integrated ticketing. I will not give him a response off the top of my head in case it is incorrect other than to say that during the course of this year, starting in the first quarter of the year, the integrated ticketing project will continue to roll out. The Deputy is probably aware that a number of the transport companies have already introduced the smart cards. Over the coming months those cards will be integrated to ensure they can be used in the manner the Deputy outlined, namely, that one will be able to go from one service to another without having to purchase tickets.

In general terms, by the end of this year most of the public transport companies in the greater Dublin area will have integrated ticketing in place. Its roll-out has been slow, and I share the Deputy's frustration in that regard. Since the integrated ticketing board was put in place in 2005 it has worked very well but the question of the back-up, the IT systems and so on has been much slower than I would have anticipated. I have discussions regularly with the chairman on that but he makes the not unreasonable point that he wants the system to work when it starts. Nobody will thank him or me if we have a big bang on the day the system is launched and it does not work. Perhaps the board is being a little more cautious.

I thank the Deputy for the points he made on cycling. The cycling policy is a national one. Some areas of the country such as Mayo and Cork have responded very well in the first few years of the programme. We hope to roll out the programme to all the other provincial cities, in addition to a smarter travel service in those cities also. There are studies that must be completed in that regard.

### **Road Network**

60. **Deputy Joe Carey** asked the Minister for Transport the road maintenance budget for 2011; his plans to ensure that the damage done to the national and non national road network following the recent bad weather will be rectified; and if he will make a statement on the matter. [2294/11]

76. **Deputy David Stanton** asked the Minister for Transport if he will assist local authorities in repairing roads damaged by the recent cold spell; and if he will make a statement on the matter. [2280/11]

89. **Deputy Arthur Morgan** asked the Minister for Transport the way the recent weather conditions and the costs of having to deal with it have affected the funding for road improvements; if the cost of treating roads during the recent severe weather conditions will affect the budget for road projects and upgrades; and if he will make a statement on the matter. [2197/11]

91. **Deputy Jim O’Keeffe** asked the Minister for Transport if additional funding will be made available to the local authorities to assist in repairing the damage caused to regional and local roads as a consequence of the severe weather conditions in December 2010; and if he will make a statement on the matter. [2278/11]

**Deputy Noel Dempsey:** I propose to take Questions Nos. 60, 76, 89 and 91 together.

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 cost of winter maintenance, are a matter for the National Roads Authority under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned. The amount of money provided in the 2011 Estimates for funding national roads is €852.6 million.

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, which are inclusive of a weather risk factor. The initial selection and prioritisation of projects to be funded is also a matter for the local authority.

My role in addressing damage caused to the road network is in disbursing the amount of money provided in the 2011 Estimates for funding regional and local roads, that is, €374.576 million, in the most equitable and targeted manner possible.

I will announce the 2011 regional and local road grant allocations shortly.

**Deputy Joe Carey:** I thank the Minister for his reply. As he can appreciate, roads throughout the country have been left in a sorry state given the harsh winter we have experienced. I submitted this question in an effort to establish what the Minister intends to do, given the unprecedented damage that has been done to our roads. I travelled throughout County Clare over the weekend and there are potholes everywhere. The road from Ennis to Milltown Malbay is decimated. I want to know if the Minister intends to provide exceptional funding this year, in line with what he did last year, to allow county councils throughout the country fix the roads.

**Deputy Noel Dempsey:** What I did last year was give the local authorities their allocations and more discretion in the way they would spend that funding. I asked them to focus on repair of roads badly damaged during the winter. When I have a finalised report from the local authorities on the recent spell of very bad weather it is my intention to do the same this year to allow maximum discretion in that regard.

I mentioned earlier and also in my answer that the primary responsibility for providing the funding for county and regional roads rests with the local authorities. They should try to ensure in their own budgets that they highlight the importance of local, regional and county roads by allocating extra funding to deal with the difficulties they say they face. Some county councils — not the Deputy’s — provide as little as 5% of the cost of the roads and that does not display a huge commitment to the local and regional roads in some counties.

**Deputy David Stanton:** Was all of the funding last year to which the Minister referred used or was any of it given back to his Department? What was the Minister's reaction to the Road Safety Authority's statement that road conditions were contributory factors in quite a number of deaths on Irish roads between 2008 and 2009? What does the Minister have to say to motorists whose cars are being badly damaged, and in many cases accidents occurring, because of the very bad conditions of the secondary roads and by-roads, which are literally falling apart? Some of them have been described as war zones. Has he given any thought to issuing guidelines to the local authorities to get their act together and get those potholes fixed quickly to ensure the roads are safe for people to travel on? Motorists are paying a lot of money through motor tax and other taxes to travel on these roads.

**Deputy Noel Dempsey:** If the Minister for Transport or any other Minister has to tell a local authority that it must keep its roads from being potholed it does not say much for the members of the local authorities concerned. In fairness, most of the local authorities take their responsibilities seriously in this particular area. There is always a dilemma at this time of the year regarding roads that are damaged, and particularly potholed. There is always a problem after a severe spell of frost. It does not even have to be as bad as the 27 days we experienced recently. I recognise that the Deputy referred to potholing but this is not a suitable time for full scale repairs. If local authorities throw some tar and chippings into the potholes, which wear away in a few days, they are accused of wasting money. A balance must be kept. I am not being facetious when I say that it is inevitable that not every road will be of a high standard, particularly at this time of year. From a road safety and a car maintenance point of view, motorists need to drive at a speed appropriate to the road conditions.

With regard to the other points the Deputy raised, to my knowledge and recollection all the money allocated to local authorities for road repairs was spent. There is no doubt that some road deaths are caused by road conditions, whether of the road surface or otherwise. I make the same plea to people to drive at an appropriate speed.

**Deputy Simon Coveney:** After the extreme weather we have had, perhaps there is need for the Ministers for Transport and the Environment, Heritage and Local Government to raise concerns with local authorities if there is strong evidence to suggest that they are not adequately financed or structured to deal with the current level of damage to roads. The situation is not a reflection on councillors. I understand what the Minister is saying but there is a responsibility for an emergency response at a national level, following the two extreme weather windows that happened within two weeks of each other.

After the first big freeze, the Minister for the Environment, Heritage and Local Government announced that the Government was providing an emergency fund of €12 million for local authorities. Where and how was that money spent?

**Deputy Noel Dempsey:** That provision included an allocation for damage other than road damage and is a matter for my colleague, the Minister for the Environment, Heritage and Local Government. I will ask Deputy Gormley to communicate with the Deputy in that regard.

**Deputy Joe Carey:** Huge sums of money are left by local authorities to the end of the year. Clare County Council held back 40% of its funding for road repairs to October, November and December last, which is not the most appropriate time to carry out road works. My village of Clarecastle is a shocking example of work done in unsuitable weather conditions. Can the Minister give a directive to county councils to carry out the most substantial work between April and August? We need to get better value for money.



**Deputy David Stanton:** Could the Minister and his Department liaise with local authorities to get some of these damaged roads repaired? Does the Minister realise the anger and frustration experienced by motorists when they damage their cars badly? No matter what speed one drives at, if one drives into one of these craters one will do serious damage to an expensive vehicle, and perhaps cause danger and injury to pedestrians and others. Will the Minister take some responsibility, and agree that there is a national problem throughout the country that needs to be addressed? He must stop passing the buck.

**Deputy Noel Dempsey:** I am not passing the buck.

**Deputy David Stanton:** Not half.

**Deputy Noel Dempsey:** Neither will I accept people who have local responsibility passing the buck to me. It is time people took responsibility. It is the responsibility of the local authorities to look after their local roads. By and large, they do that and do so reasonably well. I heard this rhetoric this time last year with regard to the roads. I heard fellows on the radio claiming it would take €1 billion to fix the damage to roads. It did not cost anything near that. Most local authorities managed to repair their roads, some of which were very badly damaged, within the timescale.

With regard to Deputy Carey's point about councils holding back money until the end of the year, that is a misreading of what actually happens. Local authorities do not submit their claims for the work they have done until the back end of the year.

**Deputy Tom Hayes:** The Department does not come back. That is the issue.

**Deputy Noel Dempsey:** I checked this at the time. Stories were circulating that money would not be spent. I checked the matter. Local authorities generally concentrate on completing the work up to late October or early November and then rush to get their claims in.

**Deputy Joe Carey:** Does the Minister agree that is the wrong time to do the work?

**Deputy Noel Dempsey:** I would prefer local authorities to get road works finished by the end of October, which is appropriate, and then rush to get claims in, than to have them wasting time submitting claims and not getting the work done, or doing it too late in the year. We must be fair to local authorities. They do a reasonably good job in this regard.

I know there are difficulties. I will make the allocation of funding clear to the local authorities shortly. I will also repeat what I said last year. That is, I will give them discretion to use their money to focus initially on roads that need repair and to make sure they are repaired as quickly as possible.

### **Adjournment Debate Matters**

**An Ceann Comhairle:** I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Joe McHugh — the methodology of the Department of Agriculture, Fisheries and Food for apportioning boarfish quota to fishermen in 2011; (2) Deputy Mattie McGrath — why Muintir na Tíre is not considered to meet the criteria for the Tús Community Employment Programme; (3) Deputy Eamon Scanlon — the progress made on the proposed amalgamation of Collooney Boys National School and Collooney Girls National School, County Sligo and the provision of a new school for the pupils; (4) Deputy John Cregan — the need to protect the music and film industries from illegal down-loading; (5) Deputies Frank Feighan, Seymour Crawford, Rory O'Hanlon, Margaret Conlon and Caoimhghín Ó Caoláin — the need to secure

the future of Quinn Insurances and in particular the future of the 6,000 jobs in the Quinn Group; (6) Deputy Deirdre Clune — the need to upgrade water infrastructure in the Cork area; (7) Deputy Timmy Dooley — the need for the Minister for Agriculture, Fisheries and Food to provide a part time outreach office in the Clare area to facilitate farmers; (8) Deputy James Bannon — the need for the Minister to recognise the valuable work of Longford/Westmeath Resource Centres through essential funding for 2011; (9) Deputy Pearse Doherty — the need for the Minister for Health and Children, Deputy Mary Harney, to intervene to ensure that adequate radiotherapy facilities are provided for patients in the north-west in light of the recent statement by her Northern counterpart the Minister Mr. Michael McGimpsey MP that the north-west radiotherapy centre will not proceed as was originally planned.

The matters raised by Deputies Eamon Scanlon, Frank Feighan, Seymour Crawford, Rory O'Hanlon, Margaret Conlon, Caoimhghín Ó Caoláin and John Cregan have been selected for discussion.

### Leaders' Questions

**Deputy Enda Kenny:** In an interview on yesterday's RTE news, the Minister for Finance, Deputy Brian Lenihan, raised the possibility of renegotiating downwards the 5.8% interest rate at which money is borrowed under the IMF/EU deal, that is, the bailout scheme for Ireland. Again this morning, he is quoted in the *Irish Independent* as saying, from Brussels, that he is committed to getting Ireland better terms under the EU/IMF deal. This is very curious. It is difficult to know whether to believe the Minister or not. In the past, he has told us things that have not stood up. On Wednesday of last week, in response to questions from the Fine Gael spokesman on Finance, Deputy Michael Noonan, the Minister said the exact opposite. Deputy Noonan put it to the Minister that an incoming Government would seek to renegotiate a more pro-employment and fairer deficit reduction measure and a more favourable interest rate. In response to that question, the Minister indicated that this was not possible. He said, "The rate of interest and the total amount that must be secured over the programme period of three years are fixed by the agreement." He said the stability mechanism was "locked in".

Arising from the response given by the Minister for Finance in the Dáil, in Brussels yesterday and as quoted in today's *Irish Independent*, why has the Minister performed such a U-turn in respect of this critical matter? Does the Taoiseach consider him to have further undermined the last shreds of the Government's credibility by first denouncing those who called for a better bailout deal and then by stating that this now was his personal mission? Does the Taoiseach accept that it is possible to negotiate a better deal, including a reduced interest rate, in respect of the agreement on which he signed off a month ago?

**The Taoiseach:** It is important to recognise the developments that are taking place at a European level in this matter regarding a discussion on the context and content of the current policy. The Minister for Finance met his eurozone counterparts yesterday to discuss the size and scope of the European assistance mechanisms. This matter still is being considered by the euro group, which is at an early stage of its considerations. A number of options have been canvassed and one must ensure the European measures have credibility and stand behind all countries. The euro group is accelerating its work on a comprehensive package and has discussed different elements of this response at its meeting. I emphasise that the euro group is at the beginning of a broad discussion on the size, scope and details of the assistance measures. The interest rate charged to any country seeking assistance is only one element of the discussion. The interest rates charged to Ireland was determined some time ago by a common approach for any borrower. Accordingly, any changes to such rates cannot be negotiated for

[The Taoiseach.]

Ireland in isolation and must be seen in the wider context. Arrangements can only be changed by agreement by all member states.

However, in respect of one aspect of recent media comment, I reject any implication that the rates which were agreed under the European Union-International Monetary Fund programme are not manageable because as was stated when the programme was launched, the indicative rates are manageable. At the same time, I of course would welcome any developments that had the effect of lowering the rates for Ireland. The Minister for Finance yesterday outlined that important legislation is to go before the Dáil that will effect a small reduction in the interest rate charged on the IMF element of the loan. This is a separate matter from the political discussions that took place yesterday.

The Bretton Woods Agreements (Amendment) Bill will enable Ireland to convey to the IMF its acceptance of an amendment to the articles of agreement of the IMF that was approved by the latter's board of governors in April 2008. When Ireland's quota is changed on foot of the IMF agreements of 2008, it will have the impact of reducing the interest rate by approximately 15 basis points, that is, from approximately 5.7% to approximately 5.55%. The amendments in this Bill are known as the proposed voice and participation and proposed investment authority amendments. Once ratified by the required voting thresholds, this will have the effect of marginally reducing the cost of Ireland's assistance from the IMF. The required voting thresholds are 85% of the voting power and three fifths of the members.

Two issues exist, in that specific legislation is being brought forward independent of ongoing discussions in Europe. On the IMF side of the equation, legislation will be introduced to the House this term that will have the effect of reducing by 15 basis points the interest on the loans from the IMF. Second, a broad-ranging discussion is taking place at euro group level under the presidency of Mr. Juncker, who is president of the euro group area's finance council. It now is considering whether to enlarge the scope or increase the size of the mechanism. As Members are aware, Ireland was the first entrant into this mechanism. When Greece came in, the mechanism was not in place and it received bilateral loans from all the countries that participated in helping that country with its problem. This is the context and content of the position as matters stand.

**Deputy Pádraic McCormack:** Was the Minister on a solo run?

**Deputy Enda Kenny:** Were this not so serious, that response would be laughable because the Minister for Finance told the House, the nation, Europe and everyone else that we were locked into the system for three years, that it could not be changed and that it was impossible. However, he stated yesterday that his personal mission now is to get a better deal. It is difficult to believe what he says in this regard. The Taoiseach should understand that the truth is dawning on each worker in the country about the ineptitude of the deal that was negotiated between the Government and the IMF-EU. While the Minister for Transport, Deputy Dempsey, may nod his head if he wishes—

**Deputy Noel Dempsey:** That was not nodding. That was shaking.

**Deputy Enda Kenny:** —each worker who now pays more income tax, more levies and more charges is paying for the consequences of the Government's ineptitude and the disastrous deal that was struck.

The central question I asked the Taoiseach was whether he now accepts it is possible to renegotiate this agreement and get a better deal for Ireland. I recognise the point made by the Minister for Finance that everyone must agree but my question is whether the Taoiseach

accepts it is possible to get a better deal. I am sure that each Deputy's office is being contacted by hundreds of people stating they are between €20 and €100 per week worse off than was the case last year. The reason for this is that the truth now is dawning on people that the impact of this deal is affecting their pockets each week. I again ask the Taoiseach this question in the light of this U-turn by the Minister for Finance, who has followed those Members of the Opposition who have called for a better deal. Does the Taoiseach accept that given the political negotiations that can take place, it is possible to get a better deal on this interest rate, "Yes" or "No"?

**The Taoiseach:** First, the reason we are obliged to raise taxes or levies——

**Deputy Pádraic McCormack:** "Yes" or "No".

**The Taoiseach:** Sorry, may I be allowed to answer the question without interruption? I listened to the Deputy without interruption. It may be——

**A Member:** Sensitive.

**Deputy Pádraic McCormack:** Keep going.

**An Ceann Comhairle:** Deputy McCormack, please.

**The Taoiseach:** Whenever Deputy McCormack is ready.

**An Ceann Comhairle:** Just one speaker at a time.

**The Taoiseach:** The reason that taxes are being raised is because there is a gap between what the Government spends and what the Exchequer receives. Quite separate from there ever having been a banking crisis, Ireland has a serious public finance position it must address.

**Deputy Seymour Crawford:** We know who caused it.

**The Taoiseach:** The continuing attempt to suggest that revenue raising is about paying for the banks or the IMF is a separate question altogether. The reason the Government is raising taxes is because Ireland's taxes were at 2002 levels before the last budget, while expenditure was at 2010 levels. This gap must be closed by reducing expenditure and increasing taxes and this is the reason for the increase in the latter.

As for this specific matter, Ireland had been funding its deficits on the financial markets until interest rates became too high in markets. This was as a result of the Greek crisis in April and the Deauville declaration, whereby speculation on the burning of senior bondholders meant that premium rates on financial markets increased to such an extent that Ireland came out of the market. The Government now has negotiated with the IMF and the European Union an agreement for the funding of this State over the next few years at the rates that are available to everyone else. The IMF rate available to us is what is available to everyone else. Moreover, the European Union rate was struck by the euro group council on the day when the Minister for Finance, Deputy Brian Lenihan, on behalf of the Government, confirmed its acceptance of the deal because Ireland was the first country to come in under the aforementioned new regime. These are the facts.

Since then, the euro group, which is the group of finance ministers for countries in which the euro currency operates, has been considering other wider and deeper measures. The group is deciding on what is the best way because what has been done to date has not brought to the currency the stability the European Central Bank and others would like to see clearly. Further

[The Taoiseach.]

work is to be done in this regard, as we are part of a global issue that has not yet been resolved. In the meantime, however, Ireland has secured for itself a sheltering from this turbulence to some extent because of the provision of a funding mechanism, through this financial package, from the European Union and the IMF. It has enabled us to draw up a four year plan that, as Members are aware, was agreed with the European Commission and that contains continuing policies that will be necessary to close the gap in Ireland's public finances between what is spent and what is earned as a country in respect of taxes. Moreover, we are receiving such funding at a rate that is far less than the rate we would be obliged to pay, were we seeking to fund our deficits in capital markets in the normal way.

This is the position and the simple point I make to the Deputy is that a change in the interest rates on the European Union's side of the equation or package can only happen if everyone agrees to such a development. This is only part of a wider discussion on bringing stability to the currency area generally. Second, in respect of the IMF part of the equation, legislation is to be introduced that will have the effect of reducing the rate of interest from that part of the loan by 15 basis points. These are the facts and this is the position.

**Deputy Eamon Gilmore:** There are now 437,079 people on the live register. The number of people on it in December was the highest end of year figure since records began and was the 19th successive month that the number of people on it was over 400,000. People who are fortunate enough to have a job are finding that their pay has been cut through the taxes that were introduced in the budget and the universal social charge. People who are paid weekly or fortnightly have already had that experience and those who are paid monthly will see the changes later in the month.

People who are out of work and on the lowest levels of social welfare are being asked to survive on even less. Families are being told that their VHI premia will increase, in some cases by as much as 43%. Many other families are struggling to pay mortgages and in some cases are facing repossession. While all of that is taking place the Government is preoccupied with its own survival. The Green Party announced it was withdrawing from Government and that we would have an election by the end of January but the situation seems to have changed.

A number of Ministers said they are not contesting the next election. A leadership issue is to be decided in Fianna Fáil. We have a dysfunctional Government. Its dysfunctionality has been demonstrated clearly in the fact that when President Sarkozy last week publicly launched an assault on this country's rate of corporation tax, I saw no Minister or anybody in Government publicly responding. Nobody is minding the shop while Fianna Fáil is trying to sort out its internal difficulties.

Last week I asked the Taoiseach a number of times to set out a clear timetable for the taking of the finance Bill and the dissolution of the Dáil to give the people of the country an opportunity to decide who should be governing the country and get the fresh start and change the country needs. Can the Taoiseach tell us today what the timetable is or will he provide time in the House to debate the motion of no confidence in the Government tabled by the Labour Party?

**The Taoiseach:** I have no interest in playing politics as usual with Deputy Gilmore in regard to taking his confidence motion. He can take it in his own time. Everybody knows it will be defeated. We have work to do and are going to get on with it.

On the corporation tax rate, President Sarkozy's statement was responded to last Friday by the Minister of State with responsibility for European affairs, Deputy Dick Roche. In the consolidated common tax proposals, which are at the usual stage of preparation in the Com-

mission, there is no suggestion of a reduction in the rates of corporation tax, rather, it is about consolidating the base. In the treaty protection negotiated by this and previous Governments where unanimity is required for changes in taxation we stated that would be the case. It is open for the Commission, which has the right of initiative, to introduce any proposal it wishes but President Barroso and Commissioner Rehn have confirmed that the proposals do not refer to corporation tax rates.

It is the first time in four months that Deputy Gilmore has raised the question of unemployment because for the four months he did not raise it unemployment reduced. There are 30,000 to fewer people out of work this month——

*(Interruptions).*

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

**The Taoiseach:** ——than there were last August. The rate of increase, month on month and year on year, has been decreasing considerably and that is reflecting the stabilisation in the economy we are seeing as a result of the successful implementation of the budgetary policies being pursued.

The amount of revenue we forecast for 2010 came in not only on budget but was €700 million more than expected and spending was controlled as planned. No one is suggesting that we are through the woods yet but as a result of the Government's preparedness we have demonstrated the required political capacity to make adjustments of €15 billion, all of which were rejected and opposed by Deputy Gilmore and his party.

On when the finance Bill will be enacted or the Dáil dissolved, the Deputy will of course be aware of and observe the constitutional proprieties. It is a matter which is the prerogative of the Taoiseach unless he or she loses a majority in the House. On the timetable involved, in our parliamentary schedule we set out an indicative timetable for the passing of the finance Bill, which will be passed one month sooner than it was last year. From that, the Deputy can take an indicative period beyond that when the dissolution of the Dáil will take place and an election held. I hope that covers the questions.

**Deputy Eamon Gilmore:** The Taoiseach is living in a wonderland. First, the statement by President Sarkozy, with the greatest of respect to the Minister of State, Deputy Roche, required a more forceful response from the Government than it received.

**Deputy Michael D. Higgins:** Hear, hear.

**Deputy Eamon Gilmore:** At a minimum, it required that the Taoiseach pick up the telephone and contact him but he was too busy making other telephone calls to do the country's business.

As regards the Taoiseach's take on unemployment, I do not know whether he is aware that a lot of people are leaving the country because they cannot get work here. When the Taoiseach plays around with the figures and says the rate is lower than it was another month or whatever, he is not factoring in the number of young people, many with very good qualifications, who are giving up in despair at what the Taoiseach is doing to this country and are emigrating.

The reality is that people are out of work and are not able to get work and those who are in work are suffering a loss in their income. The Taoiseach needs to answer a question very soon. People all over the country want to know when he and his Government will get out of office. They keep asking me and I am sure they keep asking other members of the House when we will get rid of the Government.

[Deputy Eamon Gilmore.]

The Taoiseach has given his party a secret ballot on his future as leader of the party and I wish him the best of luck. When will he give the people of the country a secret ballot to decide his and his Government's future as leaders of the country? From what I can see, the ploy since we returned after Christmas has been that the election which was supposed to have been called by the end of January has now become an election that will take place or be called before the end of March. The Minister, Deputy Dempsey, said today the election will take place in two or three months.

The date for the election is going from one month to the next and it is clear that the Taoiseach's strategy is to cling on to office for as long as possible in the hope that something turns up because his agenda is more about his party's survival and fortunes than the good of the country.

**The Taoiseach:** I did not hear the question but I will answer it anyway. The reason why the Dáil is sitting is because there is serious business to be done in this parliamentary term. The finance Bill and pension legislation related to the budget needs to be passed. The Bretton Woods Agreements (Amendment) Bill will be taken tomorrow and will reduce the interest rate in the IMF agreement by 15 bases points. Other budget related legislation will be completed. We will do all of that one month sooner than last year.

**Deputy Seán Barrett:** Why are we only sitting for two and a half days a week?

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

**Deputy Seán Barrett:** We could work five days a week and get all the legislation through.

**The Taoiseach:** The Deputy said President Sarkozy has a view on corporation tax. He is entitled to that view; it is one that has been expressed on many occasions. I heard it at many ECOFIN Council meetings down through the years. One of my predecessors, Deputy Quinn, would have heard it a few times. Our corporation tax regime is simple and transparent, unlike the complicated system of allowances and reliefs that apply in some other countries which dramatically reduce their effective tax rates. Our corporation tax arrangements are compliant with the EU code of conduct on harmful tax competition. Our corporation tax yield as a percentage of GDP — our total tax revenues — is higher than the EU average and higher than in France. Our corporation tax arrangements are one element of our overall strategy for winning into Ireland and Europe investment, business and jobs that could otherwise end up in competitor areas like Switzerland, Israel and Singapore and while that is good for Ireland, it is also good for Europe. Increasing the rate would likely lead to a drop in economic activity and thus a drop in revenues. It would, therefore, run counter to the whole effort of Ireland's recovery plan, endorsed by the European Union and reflecting the EU-ECB-IMF funding arrangements. The OECD studies confirm that increasing corporation taxes represent the most harmful tax adjustment in terms of impact on economic growth.

I made these points on behalf of Ireland in the presence of all Heads of State and Government at the last European Council meeting. I made our position very clear, consistent with the sentiments I have just expressed. While the initiative will be studied and examined and we will take part in the discussions, we have made our position clear with regard to the corporation tax rate issue. As I said, the European Commission has indicated that it intends to bring forward a proposal for a common consolidated corporation tax base later this year. Ireland and many other countries are opposed to such an initiative, which in any event would require unanimous approval. It is noteworthy that even in this context, the Commission stresses that adjustment or harmonisation of rates is not envisaged. The Government has consistently and

resolutely defended Ireland's corporation tax rate, including most recently at the time of the EU-ECB-IMF funding negotiations, and we will continue to do so. This confirms the clarity of the policy of successive Irish Administrations on this matter. This is well understood and does not require another phone call from me.

**Deputy Caoimhghín Ó Caoláin:** In the context of the shadow boxing currently under way within the Fianna Fáil Party, the Taoiseach said "We are in a fight and we need a fighter." Is it not a pity that the Taoiseach and his Government did not offer greater resistance and put up a fight when the IMF came knocking at our door? Today is another black day for the people of Ireland as the Government draws down €5.8 billion of IMF funding, this in the week following a drawdown of €5 billion from the European Union. The situation we are in means this money will go to zombie banks here and, in turn, help the major players in Europe avoid their responsibilities, given they were the real reckless lenders in this over several years. Frankly, the money will head straight back out of this country, leaving the taxpayers of Ireland in deeper and more serious debt.

Does the Taoiseach accept that what is unfolding today and what will continue for some time to come is as a direct result of the Government's disastrous banking policy and is indicative of a policy that has seen a manageable State deficit being merged with an unmanageable private banking debt?

**An Ceann Comhairle:** I remind the Deputy we have limited time for Leaders' Questions.

**Deputy Caoimhghín Ó Caoláin:** Does he accept that the consequences of this are the impoverishment of the Irish people and the further collapse of our public services across the board?

In his response to me last week, the Taoiseach indicated, reluctantly in my view, —

**An Ceann Comhairle:** Please, can we expect a question?

**Deputy Caoimhghín Ó Caoláin:** —that his contacts with senior Anglo Irish Bank personnel were more intimate and more extensive than he had previously shared. I must ask him some straight and simple questions on that. First, why did it take a question from me in the course of Leaders' Questions — only the second opportunity open to us under Leaders' Questions as a Technical Group — for the Taoiseach to proffer the information that it was not only a golf outing with Seán FitzPatrick and Fintan Drury, but that he was also meeting that evening with Gary McGann and Alan Gray, a director of the Central Bank and a member of the Irish Financial Services Regulatory Authority, whom the Taoiseach had appointed when Minister for Finance in January 2007? Why did the Taoiseach not offer that information previously? Why, up to the conclusion of the second question here —

**An Ceann Comhairle:** That is far too much embellishment.

**Deputy Caoimhghín Ó Caoláin:** This is very important. There has been no opportunity to ask the Taoiseach these questions.

**An Ceann Comhairle:** I know the Technical Group is new to Leaders' Questions, but there are only seven minutes in total for each question. The Deputy is well on the way to consuming the seven minutes.

**Deputy Caoimhghín Ó Caoláin:** With respect, the Ceann Comhairle is using up quite a bit of the time.

**An Ceann Comhairle:** Please bring the question to a conclusion.



**Deputy Caoimhghín Ó Caoláin:** I wish to remain on track. Why did the Taoiseach not offer that information? He had every opportunity on questions put to him earlier and previously, yet he withheld that critical information and claimed, right up to the time I stood up, that it was an entirely social occasion. However, it transpires that there was an agenda to address in terms of budgetary measures and job creation initiatives —

**An Ceann Comhairle:** Second Stage contributions are out of order on Leaders' Questions.

**Deputy Caoimhghín Ó Caoláin:** —something confirmed subsequently in a statement—

**An Ceann Comhairle:** Will the Deputy please bring the question to a conclusion?

**Deputy Caoimhghín Ó Caoláin:** This is not out of order. What the Chair finds is that it is deeply uncomfortable. I want to find the truth and the facts.

**An Ceann Comhairle:** It certainly is out of order.

**Deputy Caoimhghín Ó Caoláin:** It is not out of order.

**An Ceann Comhairle:** It is out of order and if the Deputy does not bring the question to a conclusion—

**Deputy Caoimhghín Ó Caoláin:** Under what Standing Order is it out of order?

**An Ceann Comhairle:** Seven minutes are provided for each question on Leaders' Questions.

**Deputy Caoimhghín Ó Caoláin:** I am using the time open to me.

**An Ceann Comhairle:** The Deputy is using up the seven minutes.

**Deputy Caoimhghín Ó Caoláin:** Let us cut to the chase and to the last of my questions and to a question that has not been posed. How appropriate was it in the opinion of the Taoiseach that a director of the Central Bank, appointed by the Taoiseach as a member of the regulatory authority, would be engaged in debate on matters fiscal and economic, job creations and budgetary issues etc. with three, either then or previous, senior directors of Anglo Irish Bank? In fairness to the former regulator, he has indicated that in his opinion such contact, socially or otherwise, would be wholly inappropriate. What is the Taoiseach's view?

**The Taoiseach:** It is very hard to take a lecture on what is regarded as appropriate contact from Deputy Ó Caoláin.

**Deputy Caoimhghín Ó Caoláin:** I am asking the question.

**The Taoiseach:** I will answer the questions directly, because I reject with contempt the usual effort to make something out of nothing. On banking policy, the Deputy suggests we should not take the €5.8 billion that has been obtained. Can the Deputy suggest an alternative source for the €5.8 billion?

**Deputy Arthur Morgan:** Deputy Ó Caoláin was asking the question.

**The Taoiseach:** I am just answering the question.

**An Ceann Comhairle:** Can we have the Taoiseach, without interruption?

**The Taoiseach:** I do not know where Deputy Ó Caoláin thinks that much money is stashed away, but I do not know where a record figure of €5.8 billion could be obtained.

**A Deputy:** The Northern Bank does not have that sort of money.

**The Taoiseach:** I do not accept the continuing rhetoric from the Opposition feeding into the negativity industry in this country about this economy. We had a gross national product last year of €160 billion and we have 1.8 million people at work. We had major investment from Intel last Friday which will secure one of the most successful plants in the world for another 20 years. This plant has already contributed much to the local economy and the country over the previous 20 years. We have continuing efforts to increase exports and the budgetary policy we have implemented has stabilised the economy. Had we listened to Sinn Féin's economic policy, we would be bankrupt long ago. Sinn Féin talks about making the adjustment of €15 billion by increasing taxes. It would make 80% of the adjustment through taxes——

**Deputy Caoimhghín Ó Caoláin:** Will the Taoiseach answer the questions?

**The Taoiseach:** ——and 20% by cuts in expenditure. I am answering the Deputy's questions. I am coming to the next question on which the Deputy wants a response. There is no relevance whatever to me having a dinner with regard to what I do in the course of my duties. If the Deputy has any suggestion or evidence to the contrary, he should not abuse the privilege of this House. Let him go outside and say it and I will see him in court. It is as simple as that. I am sick and tired of listening to the kind of rhetoric coming from the Deputy's quarter about truthfulness, honesty, straight dealing and recognising what is right and wrong. I know what is right and what is wrong. I assure the Deputy that in the course of the discharge of my public duties, I have nothing whatever about which to worry. The Deputy can paint whatever pictures he likes. He has been pretty good at it for a long time.

**Deputy Aengus Ó Snodaigh:** The truth hurts.

**An Ceann Comhairle:** I call Deputy Ó Caoláin on a brief supplementary question.

**Deputy Caoimhghín Ó Caoláin:** That type of response might very well suit Fianna Fáil meeting in backrooms and acting as cheerleader.

**The Taoiseach:** The Deputy would know more about backroom meetings.

**Deputy Caoimhghín Ó Caoláin:** I asked the Taoiseach a number of questions. As usual, like the master of mutter who preceded him, he did not answer them.

**Deputy Noel Dempsey:** Fianna Fáil meetings in backrooms are a lot less harmful.

**Deputy Caoimhghín Ó Caoláin:** I again ask the Taoiseach why he did not provide the information that he then offered when the third of Leaders' Questions was put to him last Wednesday? What is his view in regard to the suitability or appropriateness of a director of the Central Bank and a member of IFSRA sitting down with three senior directors of Anglo Irish Bank to discuss all of the matters that have now been acknowledged to have been discussed? Does the Taoiseach disagree with the former regulator who said that would be inappropriate? What is the situation on the Taoiseach's dinner with the board of Anglo Irish Bank in April 2008 and Mr. David Drumm's claim that he spent at least an hour briefing him on the issues in regard to Anglo Irish Bank? I must ask the question of the Taoiseach: Is Mr. Drumm lying or is it, to use the phrase the Taoiseach trundles out when it suits the moment, that the Taoiseach cannot recall all of the details?

**An Ceann Comhairle:** The embellishment is unnecessary. The Deputy should ask a question.

**Deputy Caoimhghín Ó Caoláin:** I have a final question. It has been reported that Mr. Drumm has secured a deal with Anglo Irish Bank which will block the Garda Síochána gaining access to confidential reports which are to be revealed in the context of Mr. Drumm's court case in the US?

**An Ceann Comhairle:** Deputy we are in shifting sands.

**Deputy Caoimhghín Ó Caoláin:** Is there any basis to these reports? Is there any fear that Mr. Drumm will evade full scrutiny in this jurisdiction and prosecution if same be appropriate because of this? Did the Minister for Finance or anyone approve such an arrangement as inferred from the reports before us?

**An Ceann Comhairle:** I call the Taoiseach to conclude.

**The Taoiseach:** I will answer the question again for the Deputy. I have made it clear that there is no question of any inappropriate behaviour on my behalf in regard to my having a meal following a game of golf in the autumn. It is as simple as that.

**Deputy Caoimhghín Ó Caoláin:** I only asked——

**The Taoiseach:** I know that.

**An Ceann Comhairle:** Deputy please.

**The Taoiseach:** I do not know why——

**Deputy Caoimhghín Ó Caoláin:** Why did the Taoiseach not give the information?

**An Ceann Comhairle:** Deputy please.

**The Taoiseach:** If the Deputy will let me, I will answer his question. I do not regard the question as having any relevance. I was on a day off and was not in a position to be doing public duties.

**Deputy Caoimhghín Ó Caoláin:** It appears to be relevant since.

**The Taoiseach:** As I stated issues such as the general economy were raised, which is what one would expect when dealing with a macro-economist and people who are in business.

**Deputy Aengus Ó Snodaigh:** One would expect to discuss banking with bankers.

**The Taoiseach:** That is what was being done. I do not have any qualms about it. I have met business people in many contexts. If it is being suggested that something untoward was afoot or that something wrong was being done, it was not. There is not a shred of evidence to suggest there was. Let us, as the Deputy would say, cut to the chase. If the Deputy is suggesting I did anything wrong, then he should say what it is and I will tell him if it is true or not. All the Deputy is doing is painting a picture and suggesting there is something wrong with it.

**Deputy Caoimhghín Ó Caoláin:** I am asking a question.

**The Taoiseach:** There was nothing wrong with it. Okay?

**Deputy Jim O'Keeffe:** Would the Taoiseach do it again?

*(Interruptions).*

**An Ceann Comhairle:** We are over time on Leaders' Questions.

**The Taoiseach:** I do not know if Deputy Ó Caoláin came over to invite me to go into a wedding party if I would go given the way in which he is now looking at me. I took the Deputy at face value that evening. I do not know either what was on Deputy Ó Caoláin's menu.

*(Interruptions).*

**The Taoiseach:** On the other matter regarding Mr. Drumm, papers have been sent to the DPP. The DPP will independently assess that evidence to see what charges, if any, will be brought against what persons. I and the people of Ireland would like to see that process dealt with as quickly as possible so that the due process of law can take place and that those who may have issues to account for are brought before the courts as quickly as possible. I do not wish to say anything to prejudice that independent process.

I am not involved in any of what has been suggested by Mr. Drumm in terms of arranging for more funds for Anglo Irish Bank. No such direction was given by me at any time. The facts show that. Despite that the facts show that and that this is outlined in committee reports of this House, following evidence from the Secretary General of the Department of Finance and others, the Deputy continues to come into this House and throw around this snuff because—

**Deputy Caoimhghín Ó Caoláin:** I asked the Taoiseach if Mr. Drumm is lying. That is all.

**The Taoiseach:** —it might get him a headline—

**An Ceann Comhairle:** Deputy please.

**The Taoiseach:** —and suggests we have something to answer for. I want to make it clear that this is part of the continuing misrepresentation of the motivation of this Government in respect of everything it has been seeking to do to ensure the survival of this country and that we have a financial system fit for purpose, having dealt with everything that was going on. Everything we did was for the public good. Every decision was on that basis. The Deputy can throw around all he likes the type of stuff he is at. It will get an audience somewhere. I have nothing to worry about because I did not do anything wrong. As far as Mr. Drumm is concerned, if Deputy Ó Caoláin wants to take—

**Deputy Pearse Doherty:** No apology.

**The Taoiseach:** I have nothing to apologise for Deputy Doherty. If the Deputy—

**Deputy Pearse Doherty:** Not to me but to the Irish people.

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

**The Taoiseach:** If the word of that person is of greater worth to him than is that of the Taoiseach of Ireland, then that is the Deputy's business. As a Republican, I believe in everyone being equal before the law. I do not believe in taking the law into my own hands. I stand over everything I have done in public office and I have nothing to worry about.

### **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. I will call on Deputies in the order in which they submitted their notices to my office. I call Deputy Ó Caoláin.

**Deputy Caoimhghín Ó Caoláin:** I seek the adjournment of the Dáil under Standing Order 32 to address the following matter of national importance, namely, the need for the Minister for Finance to indicate his and his Department's true intentions towards the proposals prepared jointly over a period of months by Quinn Insurance Limited and Anglo Irish Bank and that offer the prospect of the retention of all existing jobs in Quinn Insurance Limited, Cavan, Enniskillen, Blanchardstown, Navan and elsewhere and that commit to the return in full of the €2.8 billion owed by Mr. Sean Quinn to Anglo Irish Bank, now in State ownership, thereby securing the taxpayers' interest; to ask the Minister if he is prepared to give these proposals the required Government backing and if he will insist on full consideration of these proposals by the administrators before they close their process of assessment?

**Deputy Aengus Ó Snodaigh:** Ba mhaith liom an Dáil a chur ar athló chun deileáil leis an ghnó ríthabhtach seo faoi Bhuan Ordú 32, namely, the urgent need for the Government to address the crisis in our mental health services. It is a myth that the mental health sector was protected by budget 2011. The cut of almost 2% comes on top of chronic under-funding year on year and the true extent of the cuts is masked by the recruitment embargo which has hit mental health services disproportionately. Inpatient bed numbers and community care provision have been cut and acute in-patient beds across the country are being cut. There is an urgent need for the Government to end the recruitment embargo in the mental health area.

**Deputy Martin Ferris:** I seek the adjournment of the Dáil under Standing Order 32 to discuss the following matter, namely, the fact that 1,900 farmers have yet to receive any direct payments due to them and that a further 17,000 have only received part payment of the single farm payment; that the outstanding sum of €100 million needs to be paid as a matter of urgency in order to assist struggling farm households.

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

### Order of Business

**The Taoiseach:** The Order of Business is No. 16, Child Care (Amendment) Bill 2009 [*Seanad*] — Order for Report, Report and Final Stages; No. 17, Nurses and Midwives Bill 2010 — Order for Report, Report and Final Stages.

It is proposed, notwithstanding anything in Standing Orders, that parliamentary questions next for answer by the Taoiseach on EU matters shall be taken on the same day as statements on the EU Council meeting in Brussels, scheduled to be taken on Wednesday, 19 January 2011, and shall be moved to be taken first as ordinary oral questions to the Taoiseach on that day. Private Members' business shall be No. 84, motion re health insurance.

**An Ceann Comhairle:** There is one proposal to put to the House. Is the proposal for dealing with parliamentary questions next for answer by the Taoiseach on EU matters agreed to? Agreed.

**Deputy Enda Kenny:** I would like to raise a matter in the context of being helpful. Prior to the Budget Statement, I made the point that the international perception of Ireland and the difficulties and circumstances in which we find ourselves warranted a signal from us that the budget and the Social Welfare Bill 2010 would be passed and that we would move as quickly as possible to give legislative effect to the budget through the finance Bill. In so far as helping that process is concerned, I offered the Taoiseach the option of an extra sitting day before Christmas to allow the process to get under way and to come back earlier after Christmas to facilitate it.

This is the start of the second week of this session and we still have no sight of the finance Bill. The reason I raise this is that I was in contact with a number of our European counterparts yesterday and there is a degree of anxiety and concern about the delay in Ireland putting this Bill through. In a spirit of co-operation to get this done for the country, in which we are all interested and in which we hear Government Members are all interested, perhaps the Taoiseach should look at the question of revising the timescale he has outlined for the passing of the finance Bill. It may well be that our counterparts in Europe do not fully appreciate the way the political system works here in respect of the budget and the finance Bill but it is eminently possible to have an earlier date for the conclusion of the Bill.

I respectfully suggest that I am willing to co-operate with the Government to bring that about, not only to give the Taoiseach the opportunity to bring this Dáil to a conclusion but, more immediately, to send a signal to foreign governments and international financial institutions and so on that Ireland is moving efficiently, competently and quickly to deal with the finance Bill, which, in the main, is important to give legal effect to the budget. Many of the bigger matters were dealt with in the budget. In a spirit of co-operation, perhaps the Taoiseach should reschedule the Bill to conclude it on an earlier date.

**The Taoiseach:** We have set out in the parliamentary schedule the fact that any proper consideration of the finance Bill, which is the most important Bill of the year, would require, as the Deputy has seen from the schedule, a week's debate on Second Stage, a week off for amendments to prepare for Committee Stage in the normal way, Report Stage and then on to the Seanad. An expeditious schedule has been clearly set out and it cannot be done any sooner than that.

Other legislation also has to be passed, including the NAMA (amendment) Bill. There are certain commitments we have given under the EU-IMF financial package and we have to show responsibility in discharging those international obligations as well. They are to be enacted in the first quarter. Specific timetables in the EU-IMF financial package need to be addressed. Rather than this toing and froing, we should simply acknowledge that there is a body of work to be done in a proper, responsible and considered way. It will involve all sides of the House and, thereafter, the prerogative of the Taoiseach in respect of the dissolution of the Dáil and the calling of an election will take place. We should just get on with the business.

**Deputy Enda Kenny:** The Taoiseach's response is disappointing. I have listened to him over the past number of days talking about respect for other people's points of view and opinions. I raise this in the context of the international reaction to, and perception of, Ireland. The Taoiseach knows it is possible to have an earlier concluding date for the finance Bill. It is also perfectly in order to reschedule an earlier concluding date for the other legislation that have been referred to as being important. Many of the major elements of the budget are being implemented.

The Taoiseach knows that we put through the Credit Institutions (Stabilisation) Bill 2010, which was complex legislation, in one day prior to Christmas. I respect fully that there is a process in respect of the finance Bill but it is possible to reschedule an earlier conclusion to the Bill. I only raise it in the context of what was said to me yesterday at European level where people are concerned and anxious that we are not doing the business as efficiently as we should. This is the second week of this session and we have not yet had sight of the finance Bill and Deputy after Deputy on the Government side has been talking about how important it is to get the Bill through and the great priority the Government attaches to it, yet we have not seen publication of it.

[Deputy Enda Kenny.]

In a spirit of co-operation, I reiterate my advice to the Taoiseach, which is to consider a rescheduling and earlier conclusion to the Finance Bill in the interests of our country, which he is obviously so interested in.

**The Taoiseach:** We outlined before Christmas that we would have the finance Bill on 19 or 20 January and that is what we will have. We came back a week early——

**Deputy Enda Kenny:** We have had no sight of it.

**Deputy David Stanton:** Where is it?

**The Taoiseach:** We normally come back in the third week of January.

**Deputy Enda Kenny:** The Taoiseach is missing the point.

**The Taoiseach:** We came back in the second week.

**Deputy Enda Kenny:** To do the finance Bill.

**The Taoiseach:** Not just to do the finance Bill. The Government has set out parliamentary priorities, which we are interested in having enacted before the dissolution of the Dáil, and they were all listed last week for the Opposition. We should get down to the business of doing rather than saying otherwise.

**Deputy James Reilly:** The Taoiseach should get down to business.

**The Taoiseach:** Before Christmas, we had complaints from the Opposition about the use of the guillotine quite rightly. We should have spent more time on that legislation. We are in a new term and we have set out the position. The finance Bill will be completed one month before the usual time. The Deputy has to acknowledge that it is important that it be done.

**Deputy Enda Kenny:** I referred to the international perception of what the Government is at.

**Deputy Eamon Gilmore:** I would like more clarity from the Taoiseach in this regard because he completed his reply to my Leader's question earlier by saying it is the Government's intention to get the legislation arising from the budget enacted a month earlier than last year. If that is the case, then do I understand correctly that it is the Government's intention to have the four Bills arising from the budget enacted by the end of February? Is that the position?

The Taoiseach said there were other parliamentary priorities in addition to these Bills. What are they? Will he state categorically that it is also the Government's intention to have them concluded by the end of February?

**The Taoiseach:** We outlined in the indicative schedule that the finance Bill would be completed by the first week of March. That is the indicative timetable, which gives an indication of what the timetable is. There is other legislation that will be taken in parallel, which is set out in the legislative programme we outlined. We have gone away from the A, B and C list and we have produced the list of legislation the Deputy's spokespersons can expect to deal with in this, the final term of the Dáil. It will obviously be in parallel with that we will seek to process the other legislation as well.

**Deputy Eamon Gilmore:** The Taoiseach talked about the indicative timetable. The Government is in effective control of the timetable. He said that the finance legislation would be

completed one month earlier than last year. Whether that is the last week in February or the first week in March is neither here nor there, but the Taoiseach said that the Bill would be completed a month earlier than last year.

**The Taoiseach:** Around it.

**Deputy Eamon Gilmore:** Hold on a second.

**The Taoiseach:** It was 6 April last year.

**Deputy Eamon Gilmore:** The Taoiseach was quite definite about this when he was replying to my Leader's question. He said "a month earlier than last year". Then when we pursued him on the matter, it became an indicative timetable——

**The Taoiseach:** It is.

**Deputy Eamon Gilmore:** ——and now it is "around it". The Taoiseach is in control of the timetable. I am simply asking whether that is when the finance legislation will be enacted.

**The Taoiseach:** Yes, it is in the arrangements for both the Dáil and the Seanad, presuming there are no recommendations in the Seanad.

**Deputy Eamon Gilmore:** Seanad recommendations must come back to the Dáil.

**The Taoiseach:** Yes, exactly. It is the Minister for Finance who sets out the schedule. The Deputy's finance spokesperson has the schedule. It is not complicated.

**Deputy Eamon Gilmore:** Yes, but is that a definite, finite time for the enactment of those pieces of legislation? The Taoiseach has referred to other parliamentary priorities that he is going to slot into the parliamentary timetable as the finance Bill is being dealt with——

**Deputy Finian McGrath:** The climate change Bill.

**Deputy Eamon Gilmore:** Will those parliamentary priorities be concluded by that date, which is a month earlier than last year — the end of February or the beginning of March, whichever week it is — or will the Taoiseach then tell us when we have dealt with the finance pieces of legislation that we have other parliamentary priorities that he will be stringing on after that?

**The Taoiseach:** The idea is that they will be done in parallel. That is what I stated a few minutes ago.

**Deputy Caoimhghín Ó Caoláin:** On the point about concluding the finance Bill a month earlier, last year Second Stage of the Finance Bill was taken from 9 February to 22 February, Committee Stage was taken from 23 February to 25 February and Report Stage was taken on 9 March to 10 March. I do not see "a month earlier" in any of that. Those are the dates over which the Finance Bill went through this House.

Clearly I would prefer if no further legislation were to come from the Government and that the only secret ballot taking place this evening was the opportunity for the people to cast their votes in a general election. That said, there is an important piece of legislation that we addressed earlier on which I wish to get clarity from the Taoiseach. On the proposed children's rights referendum Bill, I note that the Taoiseach indicated that it would not be published until the Minister of State with responsibility for children has had the opportunity to engage with all of the respective spokespersons on children. Did the Taoiseach indicate in the earlier reply that the Government does not intend to progress the proposal to hold a referendum on



[Deputy Caoimhghín Ó Caoláin.]

children's rights on the day of the general election unless or until there is agreement across the board reflective of the all-party position previously arrived at? Could the Taoiseach be clear this evening not only for political voices as a large body of people have made a significant investment in the engagement of that committee from the non-governmental organisations——

**An Ceann Comhairle:** We do not require all the embellishment.

**Deputy Caoimhghín Ó Caoláin:** ——who are all concerned and anxious to know exactly what the Government intends? Will the Taoiseach give clarification please?

**The Taoiseach:** I sought to give clarification. I said I could not anticipate further consideration of the Government or any of its decisions. I said the matter was brought to the attention of spokespersons. The Government reserves the right to bring forward a referendum if it considers that is the correct thing to do. I do not wish to anticipate the outcome of our deliberations but we have checked out the position with spokespersons. When the Minister of State, Deputy Barry Andrews, returns and reports to Government we will then decide what to do next.

**Deputy James Reilly:** I wish to raise two matters under pending legislation. First, could the Taoiseach indicate the status of the medical indemnity Bill? It has gone through Committee Stage and is to come to Government. As I said prior to Christmas, we are still leaving citizens vulnerable to some unscrupulous doctors who practice without insurance.

Second, could I ask about the status of the licensing of health facilities Bill, which would allow HIQA remit over the licensing of private hospitals, which it currently does not have. If that Bill is coming before the House, I would ask that we would consider ambulances as medical facilities as well and that they would be included in the provisions of the Bill.

**The Taoiseach:** On the first matter, the medical indemnity Bill, I understand that the Minister has indicated she is interested in introducing a Bill herself. I accept a Private Members' Bill on the matter was introduced by the Deputy. It is a matter to take up directly with the Minister herself. I do not expect the second Bill will be taken during this term.

**Deputy James Reilly:** Is the Taoiseach saying the Minister will introduce her own Bill now and that the Bill that went through Second and Committee Stages will not be concluded?

**The Taoiseach:** I will come back to the Deputy on the matter.

**Deputy Joan Burton:** I wish to ask the Taoiseach about two inquiries that are under way at the moment. The first is the inquiry led by a distinguished figure from Canada into the operations of the Department of Finance and the inadequacies and failures in the Irish system in regard to the financial crisis that we are in.

The second inquiry is the work of Mr. Nyberg who is currently holding a commission of inquiry into banking, in secret — behind closed doors — which does not appear to be seeking to identify individuals——

**An Ceann Comhairle:** Does the Deputy refer to promised business?

**Deputy Joan Burton:** ——who are accountable. I understand the report on the inquiry into the Department of Finance is available. When will the report be published?

Could the Taoiseach give a date for the conclusion of the inquiry by Mr. Nyberg and his banking commission? In the motion that was agreed before the Dáil rose in the summer——

**An Ceann Comhairle:** A parliamentary question on this inquiry is much more appropriate to the line Minister.

**Deputy Joan Burton:** —Mr. Nyberg was to take six months.

**An Ceann Comhairle:** I am sure the details the Deputy requires will be provided that way.

**Deputy Joan Burton:** This is about more than the line Minister, this is about our economic future.

**An Ceann Comhairle:** It is not promised business. A parliamentary question will elicit the information the Deputy.

**Deputy Joan Burton:** It is really important in that we need to know the stage the inquiries have reached. The world is asking about this. Thanks to our friends to my right in the Chamber we are in the clutches of the IMF.

**An Ceann Comhairle:** I advise the Deputy to table a parliamentary question.

**Deputy Joan Burton:** The Government has hired various bunches of experts to tell us what went wrong.

**An Ceann Comhairle:** Deputy, please, we are on the Order of Business. Deputy Burton is being disorderly.

**Deputy Joan Burton:** I am asking the Taoiseach when the Canadian-led inquiry will report. I understand its report is available already. Second, when is the Nyberg commission going to report?

**The Taoiseach:** On the first matter, the report will be considered by Government in the first instance and then published as usual. On the second matter, I will have to check what is the state of play on it.

**Deputy Bernard J. Durkan:** I wish to raise two items of promised legislation. Last week, I asked the Tánaiste for an update on the national vetting bureau Bill which the Taoiseach indicated previously was of utmost importance and was being worked upon with a view to bringing to the House at an early stage. I was informed by the Tánaiste that the Bill was not ready yet. Would it be possible to find out at this stage perhaps when the Bill is likely to be ready, whether it is still a priority or if it has been relegated?

**The Taoiseach:** Work is ongoing on the matter. We expect to have the Bill published and enacted this session. It is a budget-related Bill.

**Deputy Bernard J. Durkan:** I thank the Taoiseach. It does not seem to feature in the list of priorities announced by the Government Chief Whip last week. I was confused and I wondered if that confusion had extended to that side of the House as well.

One other issue which is near and dear to the Ceann Comhairle's own heart as well is that there seems to be very little emphasis on health legislation despite the fact of a previously indicated list of legislative proposals such as the eligibility for health and personal social services—

**An Ceann Comhairle:** Does the Deputy have a specific inquiry about an item of promised legislation?

**Deputy Bernard J. Durkan:** That was promised several times about five years ago. Any promise made five years ago is still valid. I presume it is the intention to deliver on it.

**Deputy Aengus Ó Snodaigh:** Not by this Government.

**Deputy Bernard J. Durkan:** Hundreds of people in hospitals all over the country are waiting for attention, service and direction on trolleys, in alcoves, and in admission areas.

**Deputy Noel Dempsey:** This is a Second Stage speech.

**Deputy Bernard J. Durkan:** The well-meaning staff are awaiting direction. Is it not of the utmost importance to bring to the House the emergency legislation which was promised five years ago?

**An Ceann Comhairle:** Will you come to the point and tell us what is the legislation about which you are inquiring?

**Deputy Bernard J. Durkan:** That is the point. I am referring to the legislation I mentioned at the outset, that is, the eligibility for health and personal social services Bill. The Government should give the public some indication of what they have come to expect.

**An Ceann Comhairle:** Leave it Deputy. We will make some inquiries.

**The Taoiseach:** That will not be ready this term.

**Deputy Bernard J. Durkan:** The unfortunate patients on the trolleys and the unfortunate staff who deliver the services must remain with the current order. Is that it?

#### **Child Care (Amendment) Bill 2009 [Seanad]: Order for Report Stage**

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I move: "That Report Stage be taken now."

Question put and agreed to.

#### **Child Care (Amendment) Bill 2009 [Seanad]: Report and Final Stages**

**An Ceann Comhairle:** Amendments Nos. 1 and 2 are related and will be discussed together by agreement.

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I move amendment No. 1:

In page 5, line 22, to delete "and 44" and substitute ", 44 and 46".

These are technical amendments. Amendment No. 1 is required to include a reference to section 46 in the collective citations. Amendment No. 2 is required to provide a collective citation in respect of the Adoption Act 2010 and section 46 of this Bill, which relates to adoption. The amendment was brought forward on Committee Stage.

**Deputy Charles Flanagan:** This is a technical amendment with which I have no difficulty and I thank the Minister of State for considering it.

Amendment agreed to.

**Deputy Barry Andrews:** I move amendment No. 2:

In page 5, between lines 27 and 28, to insert the following:

(5) The Adoption Act 2010 and *section 46* may be cited together as the Adoption Acts 2010 and 2011.”.

Amendment agreed to.

**An Ceann Comhairle:** Amendments Nos. 3 and 9 are related and may be discussed together by agreement.

**Deputy Jan O’Sullivan:** I move amendment No. 3:

In page 8, line 35, to delete “detention” and substitute “placement”.

The word “detention” in the legislation is significant and we believe it has a harsh ring. The word is used 70 times in the Bill. We are keen to have our amendment accepted by the Minister of State on the basis that “placement” is a more child-friendly term rather than “detention”. It seems inappropriate to refer to detaining children, as the Bill does several times. Originally, we had suggested using the word “rehabilitation”. On Committee Stage, the Minister of State appeared to be somewhat sympathetic to using the word “placement”. I hope that given the discussion on Committee Stage and the Minister of State’s views, he might be amenable to considering the Labour Party amendment in a positive way.

**Deputy Charles Flanagan:** I share the view of my colleague, Deputy Jan O’Sullivan in many respects. As I suggested on Committee Stage, we should move away from such words as “detention”, “being detained”, “detention orders” and “places of detention” and we should look more towards phrases such as “safety” and “security”. This is why such wording as “secure care” and in this case “placed in secure care” is preferable to phraseology and language such as “detention”, which has penal or custodial connotations rather than such terms as “safety”, “security”, “help”, “assistance” and “care”. It is important to move from language that might be described as both obsolete and outdated and, in many cases, unfair.

I heard what the Minister of State had to say on Committee Stage but I am not convinced by his arguments. I call on him once again to be mindful of the importance of language which stresses care, security, assistance, welfare and protection rather than orders and detention. I call on the Minister of State to consider my proposal. In the event that he does not accept my wording, I have no difficulty with the wording put forward by my colleague, Deputy Jan O’Sullivan.

**Deputy Caoimhghín Ó Caoláin:** I join with my colleagues who have already spoken on this matter to commend the wording offered by Deputies Jan O’Sullivan and Kathleen Lynch. We must remind ourselves the Bill is entitled the Child Care (Amendment) Bill 2009. As has already been well put, language of the type used in this legislation, that is, detention, suggests punishment and a punitive situation and it should not be within the construction of legislation geared towards child care. This is something we must take on board. Without labouring the point, it is within the gift of the Minister of State and his section in the Department to accede to the collective and unanimous appeal of Opposition voices, to accept the alternative wording offered and to examine the legislation with regard to any other presenting objectionable terminology which does not reflect today’s more advanced and, therefore, more correct, thinking in respect of how we and the State relate to children in all situations that present. I commend amendment No. 3 and indicate my strong support for the proposal.

**Deputy Barry Andrews:** I have listened carefully to the points made. As Deputies have mentioned, they were raised on Committee Stage and in the Seanad. As Deputy Jan O’Sullivan remarked, I had some sympathy for that point of view and explored the possibility of making the amendments suggested by her colleague, Senator Alex White. However, our legal advice is that the word “detention” is appropriate given the circumstances of the Bill.

While Deputy Ó Caoláin remarked that it is called the Child Care (Amendment) Bill, this refers to the Child Care Act, which covers everything including special care, the matter under discussion today. Special care is a unique form of care whereby a child is detained for his or her safety and security under a special care order. It is a unique form of care for very vulnerable children. Our advice is the use of any other word would likely mislead or make the position uncertain for courts, the HSE, parents and guardians.

Currently, the High Court orders which provide for special care are called “detention orders”. Successive court judgments have used the term “detention”. Judgments have been clear in their distinction between detention in a special care facility and detention under criminal statutes. In terms of special care and judicial review proceedings, the use of the term has not connoted any criminality on the part of children.

When I visited Ballydowd special care unit last September I spoke with some of the children there. They pointed out to me that they were aware they had not done anything wrong. For all their serious shortcomings, HIQA inquiries into special care ensure children are aware of their status and their right to have their views advocated while they are in special care. I understand the concern Deputies have expressed and why the term might carry some stigma. However, there is a requirement for legal certainty and to distinguish between ordinary child care and special care. Children in special care appear to be well aware of their status and the fact that they have not done anything wrong. This is why we argued against the idea of rehabilitation, because there is nothing to rehabilitate if they have not done anything wrong. Rehabilitation is part of the criminal justice system and sentencing would be associated with criminal statutes.

Regarding the proposed amendment of section 23A, it will be noted section 3 of the Children Act 2001 defines a “children detention order” as having the meaning assigned to it by section 142 of the Act. This provides that an order may be imposed on a child for a period of detention in a children’s detention school. The amendment seeks a change to the definition of a “children detention order” and the advice is it would cause some confusion.

It is for these reasons that I am not accepting these amendments.

**Deputy Jan O’Sullivan:** I am disappointed the Minister of State is not accepting these amendments, particularly in view of his comments on Committee Stage.

Language is important in this issue because it involves children. The concept of a child being detained or being in detention has connotations of restraint and punishment. Why not use a more child-friendly term like “placement”? It is a neutral term which reflects that a child has been placed rather than detained.

Children in such cases have very special needs and a relatively small number require the care in question. However, the language used in describing this care is important for the children’s self image and how others see them. It can also affect their chances of being able to rebuild their lives. In most cases, the children in question have come from families in which they did not have the same supports most other children have. That is why they end up in such circumstances. We do not want to add to their difficulties by using language which has negative connotations and which may make them feel worse about themselves and cause them greater

difficulties. I am disappointed the Minister will not accept the amendment and I urge him to reconsider it.

**Deputy Charles Flanagan:** While I do not intend to delay the proceedings of the House, it is not good enough for the Minister of State to say legal advice is as follows and he is relying on it. Will he elaborate as to why incorporating the term “placement” is deemed by his legal advice as inappropriate and against the letter of the legislation?

This is not just a case of the Opposition making a point. Various submissions, which I am sure the Minister has seen, from a wide range of NGOs and advocacy groups, such as Barnardos, the Irish Association of Young People in Care and the Irish Foster Care Association, have stated the language used is of some significant concern. The word “detention” is associated not only primarily, but also exclusively with criminal proceedings and the criminal justice system. In securing, assisting and caring for children and their needs, we should be moving away from language associated with the criminal justice system, crime and punishment. Will the Minister of State explain in more detail the reasons the terms used in these amendments are so repugnant and unacceptable?

**Deputy Barry Andrews:** I agree with Deputy Jan O’Sullivan that language is important and that at times its use has had an impact on improving social rights and the attitudes people have to minorities.

Under the current legislation, children are held under detention orders. This Bill changes this to being detained under a special care order. It would be misleading to talk about this as other than detention. The child will be under a special care order for his or her safety and security and will not be free to go as in a high-support unit. The language has been carefully selected to reflect the true position.

I have sympathy with the Deputies’ point but in practice the children in question know their status and that they are not being punished for any wrongdoing. A central principle of this legislation is to ensure children have that knowledge and awareness and they can be helped in securing their lives. Each special care order must be reviewed every four weeks in the High Court.

A unique feature of this legislation, which has not been pointed out enough in debate, is that it will not be enough of an excuse for the Health Service Executive, HSE, to claim it cannot pursue a special care order in the case of a child going through the criminal justice system. Up to and including a child getting a sentence short of actual detention, the HSE can still pursue a special care order. The HSE and the criminal justice system absolving themselves of or avoiding taking responsibility for a child in such circumstances is eliminated by this key feature in the legislation.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

**An Leas-Cheann Comhairle:** Amendments Nos. 4 and 10 are related and may be discussed together.

**Deputy Jan O’Sullivan:** I move amendment No. 4:

In page 45, between lines 20 and 21, to insert the following:

“where an order to that effect is made by the High Court pursuant to section 23NF,”.

[Deputy Jan O’Sullivan.]

This amendment concerns the HSE having the authority to give consent to the application for, and issuing of, a passport to a child or the provision of passport facilities to a child for various purposes which may involve a child having to move outside of the State. My amendment seeks to have such a process require a court order. This matter was raised by Barnardos which felt vulnerable children in such circumstances needed such a level of protection.

We are determined that this should be copperfastened by making it necessary to obtain the approval of the court. This is for the protection of the child concerned and it will ensure that the court will be satisfied there is a valid reason and that it is in the interests of said child to be removed from the jurisdiction. The amendment is self-explanatory and I hope the Minister of State will consider it.

**Deputy Charles Flanagan:** We discussed the matter to which amendment No. 10 relates on Committee Stage. I would have expected that the Minister of State would have given it some consideration in the interim. I am of the view that the powers bestowed upon the HSE under this part of the Bill are wide-ranging in nature and, in some instances, are too far-reaching. As a result, it is important that a mechanism which would give the court a say and which would limit the powers of the HSE — particularly in instances where there is no requirement on the latter to apply to the court to dispense with the matter of parental consent — be put in place.

This is an important issue and I hope the Minister of State is in a position to engage with us in respect of it. Amendments Nos. 4 and 10 are in the best interests of the child. If the Minister of State does not propose to accept them, as they stand, perhaps he might put forward either a form of wording or a solution that will deal with this important issue.

**Deputy Barry Andrews:** What these amendments seek to achieve is already achieved in the legislation. Both amendments are concerned with the process of a child leaving the jurisdiction in accordance with section 23NF, which states that the HSE may apply to the High Court to vary a special care order to authorise the release of a child for the purposes set out. However, the High Court must authorise, through varying the special care order, the release of said child from the special care unit for the purposes set out. In the absence of such authorisation or if the High Court did not vary a special care order accordingly, the HSE could not release a child from this jurisdiction in order that he or she might receive medical treatment or to allow him or her to reside with a parent or relative. While, under the legislation, the HSE may apply to the High Court, the actual authority to make a variation to a special care order to allow a child to leave the jurisdiction lies with the latter. The policy intention which the Deputies have attempted to capture in the wording of these amendments is already intrinsic to the Bill.

**Deputy Jan O’Sullivan:** Barnardos was certainly of the view that the position in this regard was not laid out in sufficiently clear terms in the legislation. I share that view. I am not a legal expert but the position would be much clearer if the amendments, as proposed, were accepted. One hears of many situations where, for one reason or another, children travel outside the State. The courts have the responsibility for protecting the rights of children and there should, as a result, be absolute clarity in respect of the authority of the courts in this regard.

I do not understand why the Minister of State cannot accept an amendment which would make this matter clear beyond all reasonable doubt. I accept his statement to the effect that the legislation implies the position. However, I am of the view that legislation — particularly that of the type before us — should make matters crystal clear. There cannot be any doubt whatever with regard to the meaning of the legislation. If such doubt exists, then the interpretation of the legislation will be argued about in individual court cases. That is not what we are

seeking in the context of the rights of children. We must ensure that such rights are clearly laid out in legislation passed by this House.

Amendment put and declared lost.

**An Leas-Cheann Comhairle:** Amendments Nos. 5 to 8, inclusive, and 13 are related and may be discussed together.

**Deputy Jan O’Sullivan:** I move amendment No. 5:

In page 45, between lines 42 and 43, to insert the following:

“(2) Without prejudice to the obligation of the Executive to have regard to the views of the child, bearing in mind the child’s age and understanding, prior to taking steps under this section, the court shall give such directions as are appropriate where the Health Service Executive proposes to take steps to which the child does not consent.”.

The matter to which these amendments relate was the subject of detailed discussion both in the Seanad and on Committee Stage here. Essentially, it concerns having the views of the child, bearing in mind his or her age and level of understanding, taken into account prior to any steps being taken under this section. I refer, in particular, to any steps which might be taken in circumstances where the child does not consent. Again, this is both self-explanatory and important.

In the past harrowing reports have been compiled in respect of various cases involving children. In the cases to which I refer, the voice of the child was not heard. The various reports to which I refer all contained recommendations to the effect that it was extremely important for the voice of the child to be heard. The most recent and most harrowing of these reports was that relating to the case in Roscommon. In that instance, it was clear that the children involved had not been able to express, from their perspective, what was happening to them in a situation where adults, parents or others were not present. I accept that the situation we are discussing in the context of the Bill is completely different but the principle is the same, namely, that a child’s voice must be heard in the context of his or her welfare. It is obvious, however, that various matters, such as his or her ability to express himself or herself, his or her age, etc, must be taken into account.

This is an extremely important principle in any legislation relating to children. The Minister of State appeared to be particularly sympathetic in respect of it, particularly during the debate in the Seanad. A number of amendments relating to this matter — some of them are similar — have been tabled. There is virtual unanimity among the Opposition parties in respect of this issue. I hope, in the context of these amendments, the Minister of State will listen to the collective voice of those in opposition.

**Deputy Charles Flanagan:** I am anxious to hear from the Minister of State with regard to any deliberations or reflection in which he has engaged since this matter was debated on Committee Stage. The amendments raise a number of important points, particularly in the context of the voice of the child, the importance of consent and the fact that all decisions should be taken following careful consideration and should be in the best interests of the child. I hope the House will not divide in respect of these important amendments. If he is not in a position to accept them, perhaps the Minister of State will indicate how he proposes to deal with the concerns that exist. The concerns to which I refer are both genuine and significant and I hope it will be possible for them to be met before our deliberations on the legislation are completed.



**Deputy Caoimhghín Ó Caoláin:** It is interesting that the two previous speakers stated that the voice of the child must be heard. We are of one mind on this issue. It was addressed in an extremely careful manner during the course of the deliberations of the Joint Committee on the Constitutional Amendment on Children. It is important to point out that the voice of the child must not only be heard, it must also be listened to.

Amendment No. 6 in my name reflects the points raised by Deputies Jan O'Sullivan and Kathleen Lynch in amendment No. 5 and Deputy Charles Flanagan in amendment No. 8. The need to make provision in respect of this matter is self-evident. I urge the Minister of State to accept amendment No. 6, which is in line with that with which he previously indicated he is at ease in respect of this issue. Amendments Nos. 5, 6 and 8 address a significant gap in the Bill which was identified by those who work on the front line in this area. The Government must listen to the concerns expressed by those to whom I refer.

In the past harrowing reports have been compiled in respect of various cases involving children. In the cases to which I refer, the voice of the child was not heard. The various reports to which I refer all contained recommendations to the effect that it was extremely important for the voice of the child to be heard. The most recent and most harrowing of these reports related to the Roscommon case where it was clear that the children involved had not been able to express, from their perspective, what was happening to them in circumstances where adults, parents and others were not present. I accept that the situation here is completely different. However, the principle is the same. It needs to fill the legislative gaps and the gaps in service provision accordingly because, clearly, there are consequences in this regard. Its outworking must be appreciated and committed to. Without further ado, I hope the Government agrees to adopt the constructive group of amendments being presented, although I am particularly interested in amendments Nos. 5, 6 and 8. Accordingly, I commend the amendments to the Minister of State.

**Deputy Barry Andrews:** I agree the views of the child should be regarded prior to the HSE taking steps under section 23ND, which includes provision where a child requires medical treatment while subject to a special care order. I brought forward an amendment to the Bill on Committee Stage to insert a new subsection (3) in section 23ND, the effect of which is to ensure that any consent to medical treatment which would have been effective if we had not included the provision which gives the right to the HSE to consent would still be effective. Thus, the HSE's right to consent does not affect the validity of any medical treatment decision which would lawfully be made by any other person who had pre-existing power of consent.

It will be noted that section 3 of the Child Care Act 1991, as amended, provides that, in the performance by the HSE of its function to promote the welfare of children, it shall "in so far as is practicable, give due consideration, having regard to his age and understanding, to the wishes of the child". That section 3 has the same effect as the proposed amendments. The HSE is also charged with promoting the welfare of the child under section 23ND, which states the HSE "shall do what is reasonable, subject to this Part, to promote his or her health, development or welfare and protect his or her life, health, safety, development or welfare, having regard to all the circumstances of the child".

With regard to involving the courts when the child is not consenting to the steps being taken by the HSE, to include a statutory provision to involve the courts every time there is a disagreement could well defeat the purpose of special care. It must be remembered that children who are the subject of special care orders require care which addresses their behaviour and the risk of harm it poses to their life, health, safety, development or welfare.

The proposed amendment to section 24 of the Child Care Act 1991 is to delete the words "in so far as practicable". This section, as amended by section 10, relates to proceedings before

the High Court dealing with special care orders. The section requires that in such proceedings the High Court shall regard the welfare of the child as the first and paramount consideration and in so far as practicable give due consideration, having regard to his age and understanding, to the wishes of the child. The phrase “in so far as practicable” is included as there are situations where it is not practical or possible to have regard to the child’s wishes. In addition, it must be borne in mind that these cases are being heard at the high level of the High Court, which is statutorily charged to regard the welfare of the child as the first and paramount consideration. It is for these reasons that I will not accept the amendments.

**Deputy Jan O’Sullivan:** The Minister of State has given some comfort in so far as he has outlined areas where the welfare of the child is required. My concern is that in these situations it is important that we push to the maximum in terms of the voice of the child being heard, primarily given the experiences of the past, where these kinds of enabling terms were used but in practice were not implemented. These children are already in quite a powerless situation. The kinds of situations we are discussing concern what is beneficial to the child where the child needs medical or psychiatric assessment or examination. Where possible, it is important that these children are empowered to at least have their voices genuinely heard as opposed to a position where they may or may not be taken into account.

While I take some comfort from what the Minister of State has said, I would prefer that the wording we have suggested is included in the legislation. It would bring the balance a little more on the side of the child rather than on the side of those who are detaining the child.

**Deputy Caoimhghín Ó Caoláin:** That would broadly summarise my position. We are not making much headway in terms of any accedence on the part of the Minister of State to the very carefully considered amendments the Opposition voices are offering. I find it difficult to accept we can settle for something that may not measure up to what amendments Nos. 5 to 8, inclusive, seek to achieve. I am discomforted by it to the point I would ask what would be the net result if a Deputy wished to press his or her amendment at this point in time.

**An Leas-Cheann Comhairle:** That can of course be tested.

**Deputy Charles Flanagan:** I would have expected the Minister of State to have availed of the opportunity since Committee Stage to come back with a form of wording that would meet the concerns of the Opposition Deputies, and it is regrettable he has not done so. I do not believe he has reassured those Deputies, including myself, who have put forward amendments that the points raised by us are either already covered or are superfluous or inappropriate. Far too often, legislation becomes reliant upon phrases such as “in so far as practicable”. It is in such situations that the State is often absolved of what should be in all circumstances a duty or responsibility. Such language is too often used in legislation to allow the State an “out” which will ultimately give rise to situations where children are not only in a position of vulnerability but will, in effect, suffer.

**Deputy Barry Andrews:** To give reassurance, in every case in which a special care order is sought, a guardian *ad litem* is appointed in respect of the child. The guardian *ad litem* is effectively a witness who will outline the views of the child and also outline what, in his or her view, is the best interest of the child, which, naturally, could be two different things. In practice, the views of the child are always before the court.

As we have already pointed out, we are dealing with a statutory process that is overseen at all times by the High Court. I understand the Members present wish that to be the case and it is currently the law that the HSE in its function must promote the welfare of the children and “shall” have regard to the voice of the child. However, there are situations in which it would

[Deputy Barry Andrews.]

not be practicable, for whatever reason, particularly in the medical treatment situation, to obtain the view of the child. Nonetheless, at all times a guardian *ad litem* is appointed to give voice to what is in the best interest of the child in the opinion of the guardian *ad litem*.

While the HSE is routinely assumed to be up to something, trying to dodge responsibility or being inefficient, my experience of social workers is that they have the best interests of the child in their minds at all times. However, that is also balanced by the service that is provided on behalf of the child by the guardian *ad litem* in every single case in which a special care order is sought.

**Deputy Charles Flanagan:** If what the Minister says is the case, and this happens anyway, why not incorporate into the legislation what, in effect, will be a statutory guarantee for the provision of the guardian *ad litem*? There are some cases where, to my mind, it does not happen. I want a statutory guarantee that there will be the provision of a guardian  
6 o'clock and that such a provision is necessary to protect the best interests of the child. That is the net point. The Minister of State claims it happens anyway. If that is the case, why not incorporate it?

**Deputy Barry Andrews:** It happens anyway but it remains at the discretion of the High Court. In fact, the High Court, which retains that discretion, allows for a guardian *ad litem* in every case — that is the current state of the law. The Deputy asks why we do not order the High Court to appoint a guardian *ad litem*.

There may well be certain circumstances where the High Court, at its own discretion, would deem that a guardian *ad litem* is not necessary. In affording the High Court the same discretion it enjoys in many other types of administrative law, we have reflected the possibility that a situation may arise where that discretion is not exercised.

**Deputy Jan O’Sullivan:** We would not have tabled these amendments on Report Stage if we did not consider them important. Therefore, I will press amendment No. 5. The Minister of State has said we can test the system, and we certainly will test it before we conclude this debate.

Amendment put and declared lost.

**Deputy Caoimhghín Ó Caoláin:** I move amendment No. 6:

In page 45, between lines 42 and 43, to insert the following:

“(2) The Health Service Executive shall have regard to the views of the child, taking into consideration the child’s age and understanding. Prior to taking steps under this section, the court shall give such directions as are appropriate where the Health Service Executive proposes to take steps to which the child does not consent.”.

Amendment put and declared lost.

**Deputy Charles Flanagan:** I move amendment No. 7:

In page 45, line 45, after “shall” to insert the following:

“with the consent of either child’s parent or guardian, a person acting in loco parentis or the child’s Guardian Ad Litem”.

Amendment put and declared lost.

**Deputy Charles Flanagan:** I move amendment No. 8:

In page 45, after line 49, to insert the following:

“(3) In any action under this section, regard shall be had to the views of the child having regard to the child’s age and level of understanding. Prior to taking steps under this section, the court shall give such directions as are appropriate in the best interests of the child where the Health Service Executive proposes to take steps to which the child does not consent.”.

Amendment put and declared lost.

**Deputy Charles Flanagan:** I move amendment No. 9:

In page 46, line 5, to delete “detained” and substitute “placed in secure care”.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

**Deputy Charles Flanagan:** I move amendment No. 10:

In page 49, to delete line 1 and substitute the following:

“23NF.—(1) For the avoidance of doubt, a child may not be removed from the jurisdiction by the Health Service Executive for any purpose without an order of the High Court providing such authorization to the Health Service Executive.

(2) Notwithstanding the detention of a”.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

**An Leas-Cheann Comhairle:** Amendments Nos. 11 and 12 arise out of committee proceedings. The amendments are related and may be discussed together.

**Deputy Barry Andrews:** I move amendment No. 11:

In page 62, line 16, to delete “a fine not exceeding €3,000” and substitute “a class B fine”.

These amendments relate to section 23NP which provides for offences under the Bill. They are required in accordance with section 5 of the Fines Act 2010 which provides that fines between €2,500 and €4,000 are class B fines.

Amendment agreed to.

**Deputy Barry Andrews:** I move amendment No. 12:

In page 62, line 45, to delete “a fine not exceeding €3,000” and substitute “a class B fine”.

Amendment agreed to.

**Deputy Charles Flanagan:** I move amendment No. 13:

[Deputy Charles Flanagan.]

In page 63, between lines 10 and 11, to insert the following:

“(2) Section 24 of the principal Act is amended in paragraph (b) by the deletion of the words “in so far as practicable”.”.

Amendment put and declared lost.

**An Leas-Cheann Comhairle:** Amendments Nos. 14 to 16, inclusive, arise out of committee proceedings. The amendments are related and may be discussed together.

**Deputy Charles Flanagan:** I move amendment No. 14:

In page 63, to delete lines 23 and 24.

These amendments deal with the appointment, role and function of a guardian *ad litem* who is appointed by the court to ensure the voice of the child is heard in a real and meaningful way. There are some difficulties in regard to the cost of the guardian. As I said on Committee Stage, we should clarify who decides on the matter of costs as incurred by the guardian and the guardian services. If these issues are to be decided by the Health Service Executive rather than the court, there is a perceived conflict.

It is important that there be no such conflict and that the status of the guardian be nothing less than fully understood. He or she is representative of the child's voice. In this regard, we can look to submissions that were made on this legislation but also to national legislation and international instruments such as the Universal Declaration of the Rights of the Child, particularly Article 12 thereof. There must be no confusion such that the position of the guardian is compromised or weakened in any way given that there are occasions when it may be necessary for the voice of the child to be heard outside the remit of the Health Service Executive.

These amendments deal with that perceived conflict which may well give rise to a weakness. Like the earlier amendment, we are dealing with the statutory right of the guardian. That position must be enshrined in legislation in such a way as to ensure the guardian is in no way compromised and that he or she can engage in the type of activity, work and representation that was designed in law to ensure the voice of the child is heard.

**Deputy Barry Andrews:** The Child Care Act 1991 provides that in care proceedings under Parts IV or VI, where the child to whom the proceedings relate is not a party, the court may, if it is satisfied that it is necessary in the interests of the child and the interests of justice, appoint a guardian *ad litem* for the child. This Bill provides a similar provision in regard to special care. The guardian *ad litem* provides information to the court on what is in the best interest of the child and what are the views of the child. While guardians *ad litem* are not appointed in all care cases, they are appointed in all special care cases.

Last year, I launched the report of the Children Acts Advisory Board on guardians *ad litem* and indicated that application of the guidance document would be closely monitored in terms of how it was working in practice. The Ryan report implementation plan provides that the Minister of State with responsibility for children and youth affairs will engage with ministerial colleagues to agree a future policy of management and funding of this service. I have undertaken consultations in this regard and the process is ongoing.

My office has engaged with the Health Service Executive to map the existing guardian *ad litem* provision, determine costs and establish patterns nationally in regard to their appointment. This exercise is examining guardian *ad litem* appointments under the Child Care Act

1991 and in special care cases. Until I have been able to assess the impact of the guidelines, the provision contained in the draft Bill should not be changed. However, as I have already stated, once this assessment is completed, required changes in legislation may be considered.

I undertook on Committee Stage to put down an amendment regarding the insertion of a regulating-making power into the Bill. I gave that undertaking, subject to legal advice, having agreed in principle with what Deputy Flanagan was trying to achieve. However, I have been advised that because providing for the regulation of guardians *ad litem* would have potentially far-reaching consequences, that such regulations would affect the discretion currently enjoyed by the court to appoint guardians *ad litem* and that it would have the potential to affect the manner in which guardians *ad litem* currently carry out their function, to regulate as provided by the Deputy can only be dealt with by the Oireachtas by way of primary legislation. It is not possible that such primary legislation would include a regulation creating power to deal with matters of detail — such as the nature of the qualifications and other issues sought to be brought into consideration — but the governing principles and policies required to be provided for by way of primary legislation. Thus, this is a matter that cannot be provided for by way of a stand-alone regulation making power in this Bill, as envisaged by the Deputy. The point is that the Oireachtas cannot legislate in this area by enacting a regulation making power on its own. It must also enact a range of measures setting out the principles and policies governing guardians *ad litem* to which the regulation-making power, if one was required, would play a supporting and implementing role.

Delegated legislation by way of regulations is a necessary part of a modern functioning state, but such regulations must do no more than implement the principles and policies which have been provided for in the primary legislation which is required in advance of such regulations being made. I indicated that I would accept that in principle, but the legal advice is that we require primary legislation in advance of setting out such regulations.

**Deputy Charles Flanagan:** That is most disappointing because it means that this legislation will go through, as indeed have earlier pieces of legislation, without any detail as to the role and function of the guardian or their regulation. I had sought to insert such a provision in amendment No. 16. I listened to what the Minister said and I was optimistic and pleased with his reply on Committee Stage. While not holding my breath, it is most disappointing to learn now that my suggestion was for nought.

I will not press amendment No. 16. While, as the Minister of State rightly said, the 1991 Act provided for the appointment of the guardian *ad litem*, there was no statutory guideline or format as to the criteria for appointment, training, registration or regulation. That should be done and I would have thought that this Bill was the appropriate vehicle for doing so. It is a weakness in the system not to have it. The Minister of State cited legal advice to the effect that we must have primary legislation in order to do it, but I find that to be both unsatisfactory and surprising. The Minister of State has taken that advice, but God only knows when the next piece of primary legislation might be forthcoming in this area. It is regrettable that, despite his endeavours, the Minister of State could not accept the principle of the amendment on Committee Stage.

While I will not move amendment No. 16, the problem with amendment No. 15 is that without ensuring that the guardian *ad litem* may in circumstances obtain legal advice, there is a weakness in this legislation. That is because the guardian and the legal adviser or solicitor are different people with different training, roles and perspectives. It is asking too much to expect that the guardian *ad litem* would have the same knowledge of the legislation as a legal adviser. If we are talking about the child's voice being adequately and properly represented, it is equally important that the guardian should not be burdened by having to understand the

[Deputy Charles Flanagan.]

complex nature of this body of law. The guardian should be entitled, as of right in circumstances, to have legal advice in cases where it is deemed necessary. Without that the legislation is weak and in certain circumstances the guardian can be placed in a difficult, if not invidious, position.

**An Leas-Cheann Comhairle:** Does the Minister of State wish to make a further contribution?

**Deputy Barry Andrews:** Yes. It is the High Court, not the HSE, that decides whether legal representation is provided. That is a high level of supervision of cases like this. That power has served the service well. I did say that I take the Deputy's point in principle and I accept the criticism that we need to define exactly the qualifications, type of registration and supervision of guardians *ad litem* in this country. It is not acceptable that the HSE is currently paying for guardians *ad litem*, while very often finding itself at odds with them. One of the tasks that will have to be settled is the actual location of the supervisory body to register and provide for the payment of guardians *ad litem*. It is absolutely obligatory that this needs to be separated from the HSE. My legal advice, however, is that primary legislation needs to be set out in respect of the policies and objectives concerning that question.

Amendment, by leave, withdrawn.

**Deputy Charles Flanagan:** I move amendment No. 15:

In page 64, to delete lines 1 to 8 and substitute the following:

“(a) the guardian ad litem appointed may appoint a solicitor to represent them in respect of those proceedings and give directions as to the performance of the solicitor of his or her duties, which may include, if necessary, having regard to the circumstances of the case, directions in relation to the instruction of counsel, and”.

Question, “That the words proposed to be deleted stand”, put and declared carried.

Amendment declared lost.

Amendment No. 16 not moved.

**An Leas-Cheann Comhairle:** Amendment No. 17, which arises from committee proceedings, is related to amendments Nos. 18 and 19. All three amendments may be discussed together by agreement.

**Deputy Charles Flanagan:** I move amendment No. 17:

In page 67, between lines 25 and 26, to insert the following:

“22.—Section 45 (as amended by the Act of 2004) of the Principal Act is amended by substituting the following section for section 45—

“45.—(1) (a) Where a child leaves the care of the Health Service Executive, the Executive shall, in accordance with subsection (2), assist him for so long as the Executive is satisfied as to his need for assistance and, subject to paragraph (b), he has not attained the age of 21 years.

(b) Where the Health Service Executive is assisting a person in accordance with subsection (2)(b), and that person attains the age of 21 years, the Executive shall continue

to provide such assistance until the completion of the course of education in which he is engaged.

(2) (a) The Health Service Executive shall assist a person under this section in one or more of the following ways—

(i) by causing him to be visited or assisted;

(ii) by arranging for the completion of his education and by contributing towards his maintenance while he is completing his education;

(iii) by placing him in a suitable trade, calling or business and paying such fee or sum as may be requisite for that purpose;

(iv) by providing a residential aftercare programme for him;

(v) by co-operating with housing authorities in planning accommodation for children leaving care on reaching the age of 18 years;

(vi) by arranging for any existing or emerging health care needs to be addressed by appropriate qualified persons;

(b) For the purposes of this section, the Minister shall prescribe the manner in which aftercare is to be provided by regulation.

(3) Any arrangement made by a health board under section 55(4) or (5) of the Health Act, 1953, in force immediately before the commencement of this section shall continue in force as if made under this section.

(4) In providing assistance under this section, a health board shall comply with any general directions given by the Minister.

(5) For the purposes of this section, the reference in subsection (1)(a) to the care of the Health Service Executive includes special care provided under Part IVA (as amended by the Child Care (Amendment) Act 2011).”.”.

This is an amendment of some importance, which was considered on Committee Stage. It is regrettable that the Minister of State did not see fit either to take it on board or amendments Nos. 18 and 19 in the names of my colleagues, which are similar. It is also regrettable that the Minister of State has not tabled a similar amendment at this stage. That is why this amendment is worth putting to the House. We are enacting a piece of legislation without dealing with a most important aspect, which is the after care service plan. I do not wish to rehash any of the issues that were highlighted by Deputies from all sides of the House on Second and Committee Stages.

The reality, however, is that having spent a considerable time in care, too many young people are leaving care without an appropriate plan or level of support for training, housing and assistance for many of the needs young people have if they are to engage with their peers in society. We must bear in mind that these cases, to which after care will be applicable, concern children who have been through the care system. The State has taken upon itself the same obligations to provide for these children up to the age of 18. The evidence suggests that there is serious concern, however. We are all aware from our own constituencies and beyond of the difficult position in which young people can be placed and the real challenges with which they are faced when leaving State care and going into mainstream society.



[Deputy Charles Flanagan.]

Regarding foster care, a recent survey shows that almost 30% of members involved expressed serious concern about the future welfare of young people when they move from foster care into society. Without repeating any of the points, it is important that in the move from care and dependence to independence that support services are provided. Otherwise, as we are aware, the criminal justice system becomes involved and young adults face an uncertain future in terms of employment, shelter and after care. It is important that there is statutory recognition of the need to ensure a level of care during that transitional period.

**Deputy Caoimhghín Ó Caoláin:** I believe amendments Nos. 17, 18 and 19 are key to this Bill. These amendments address the need for statutory right to after care. I cannot emphasise enough how important I believe that to be. I believe it to be central and crucial to the value of the legislation being considered here this evening.

There can be no valid counter argument to the call for the Health Service Executive to be legislatively required to ensure there is after care provision for young people leaving care at the age of 18 where that care is deemed required. I noted from the Minister of State's earlier commentary that he has suggested only a small minority leaving the care system need such after care. Even if that were the case, and I am not of the view that is necessarily so, it would not be an argument against the placing of a legislative requirement on the HSE to provide after care and to make it a statutory right of all those young people concerned, making it a clear and absolute obligation on the HSE into the future. The Minister's contention that it is only a small minority that need such care does not stand up to scrutiny. The case for a statutory right to after care has been made comprehensively and is irrefutable. I have said in other fora that its absence can only add to the tragically growing numbers of young people experiencing homelessness, addiction and being condemned to a life of misery after they are abandoned — that is not too strong a word to use — by the care system on reaching the new age of majority of 18.

I acknowledge that the Minister of State has ordered a review of after care provision, instructed the HSE to draw up guidelines on the way after care is provided, promised more HSE staff to provide after care and told the HSE that it must provide after care if it has identified that young people coming out of care need it. That is all very well but that leaves a critical fault line in all of this; it leaves the discretion with the HSE.

The Minister maintains there is no need for a legal right to receive after care. I take a contrary view, and I am influenced by a number of commentators and commentary. Focus Ireland has pointed out that a legal right to after care would mean the most vulnerable young people would no longer be at the mercy of the HSE's decisions about what they need. Instead, they would have the right to that after care legislatively enshrined and statutorily enforceable. That is hugely important, whatever number of young people are involved.

The most important intervention in regard to this Bill, and I want to bring it to the Minister's attention, has come from the Ombudsman for Children, and I thank her for it. We talked earlier about listening. I urge the Minister of State to listen to and act on the advice of the Ombudsman who has stated:

The Bill needs to be amended to impose a positive obligation on the State to provide aftercare for every child in care whether they are in voluntary care, or in care under a care order, supervision order or under a special care order at least until they are 21. The care plan for each child should address this issue at least two years before the child's eighteenth birthday and foster care support should be extended to cover the entire period of aftercare of the child or young person. The young person should be involved in the case review of the

care plan and his or her concerns should be noted and addressed in the review prior to leaving care. Where special difficulties arise, a connection with an appropriate support agency should be made in advance of the exit from care.

I am anxious to hear the Minister of State's response to Ms Logan's recommendation. It is important that we have a clear understanding of from where the Minister and his colleagues in Government are coming in regard to this area.

I conclude with the observation that, too sadly, we have seen a litany of lives lost and lives condemned to despair post their being placed in care and having reached 18, the age of majority. We must ensure there can be no slipping through the net, that nobody can be lost. Those critical years, having reached 18 years, are hugely challenging. In real terms people are still coming to terms with all the challenges of adult life before them. Without the certainty of the after care and the supports that are needed, the word "abandonment" I used earlier is not an over the top reference in this instance but, all too sadly, an appropriate reflection on what has been happening.

I want to make it clear to the Minister that no matter what pantomime is taking place in any proximity to this institution this evening, I intend to press this amendment.

**Deputy Jan O'Sullivan:** This is the most important group of amendments in this legislation. We will test the waters and press one or other of these three amendments to a vote.

**Deputy Kathleen Lynch:** It will be some vote tonight.

**Deputy Jan O'Sullivan:** Irrespective of the other matters being dealt with by other Members of this House, the children about whom we are talking here are far more important than the issue being discussed elsewhere. These children are coming out of care and are in a most vulnerable situation. They are falling through the cracks and are ending up homeless, with drugs problems and in all kinds of vulnerable situations. Many of them end up dead, as we know from cases that have been made public. It is not enough that they may have the right to after care. They do have that right. That is why we want to have these amendments inserted in the Bill.

These vulnerable young people cannot be left in any doubt but that they are entitled to this care. We have had representations from a variety of sources including, as Deputy Ó Caoláin said, the Office of the Ombudsman for Children. It is the job of the Ombudsman for Children to advocate on behalf of these vulnerable young people. Deputy Ó Caoláin quoted from what the ombudsman's office has said. I quote from another section of her submission where she states:

It is essential that the State acknowledge that the obligation to provide support to children who are leaving care is no less important in principle than the obligation on the HSE, under section 3 of the Child Care Act 1991, to provide care and family support services to those under the age of 18. This is especially important when one considers the particular vulnerability of children who have been in care and the fact that they are at greater risk than their peers of experiencing difficulties, such as homelessness.

Every public representative knows or has encountered some of these young people, many of whom cannot get into hostels, are drifting from one place to another and have no proper support. Obviously, they do not have family support. They are being thrown out into the world at the age of 18 with no family to support them and with no right to a home or to the ordinary supports that any 18 year old would get from a supportive family. It is vital that we insert this amendment into the legislation.

[Deputy Jan O'Sullivan.]

The UN Convention on the Rights of the Child imposes a duty on the State. In 2005, a committee of the Council of the European Union issued a recommendation to member states on the rights of children living in residential institutions. One of the basic principles contained in that recommendation was that a child leaving care should be entitled to appropriate after care support.

We have a number of international obligations in this regard. However, any of us who have encountered these vulnerable young people and know the situations they end up in, which are so threatening to their lives, health or ability to live any kind of positive life, know that they need more than just the possibility of support after the age of 18. They need to have the right to that support.

**Deputy Kathleen Lynch:** It is rare for three parties to agree absolutely on the course of action to be taken. We are a great country for taking absolute positions about children, whether before or after they are born, when they go to school, when they start secondary school or, as in this case, when they reach the age of majority and the State bears no further responsibility for them.

We are enacting this legislation because the State has put itself in the place of the parent. We can talk in legalistic terms about the State's responsibility, the age of majority and whether there is an after care service in some areas. There is a service in some areas and not in others. That is the difficulty we face.

We are putting legislation in place that we are unlikely to come back to in the next few years. Once again, we are abdicating responsibility for children for whom we have absolute responsibility. When I look at legislation of this sort, I ask myself what I would do if it applied to my child. How would I frame this legislation if I were framing it in order to protect my child? What would the Minister of State do if the Bill applied to his child? Would he tell his child to go because he was 18 years old and his parents were no longer responsible for him? I do not think he would.

I am a great believer in the privileged classes. There are two distinct classes. These children fall into the category of those who are not as privileged and do not have the same access as other categories of people. That is why we should be even more careful to legislate to ensure that whatever we can do will be done. It is not enough to legislate that it may be done, but that it will be done. If we are to have a referendum on the rights of the child and if we continue to talk about the child's voice being heard and the child being central to family law and child protection law, why are we still legislating to dump children out of care at 18 and not giving them after care? It is left up to the local HSE areas to decide whether to provide after care.

I live next door to an institution known as the Foyer. It has 12 self-contained apartments for children between the ages of 18 and 25 who are in danger of becoming homeless. This local authority initiative is very well run. It has hiccups from time to time, but one expects that when one is dealing with young people. There would be hiccups in one's own home also. The young people have no absolute right to that care or to live there. If they were not living there they would be on the streets. The 12 young people who live there are extraordinarily lucky. There are hundreds more who do not live there and do not have such a space.

I cannot take seriously any proposal regarding a children's referendum if we continue to legislate to ensure that people do not have a right to after care. I ask the Minister of State to go away and think about this again. When he is framing the legislation, he should ask himself if his child would be safe on the street at 18.

I always think about the children who came out of institutions up to the mid-1970s or early 1980s. I met some of them in England. When they got their feet under them at 16 they made a run for it. They got on ferries and trains in England. How did they manage to avoid the pitfalls ahead of them? They did, but only just. Those pitfalls are still there and this time we cannot use the excuse that we do not know about them. These children deserve our protection and to be protected in the same way as the Minister's children will be protected.

**Deputy Barry Andrews:** Deputy Lynch referred to the proposed referendum. A child ceases to be a child at the age of 18. The children's referendum does not propose to extend its remit to 19 and 20 year olds.

**Deputy Kathleen Lynch:** That is semantics. We are talking about a different category or children.

**Deputy Barry Andrews:** It is not semantics. No Member of the Oireachtas has proposed that the remit of the constitutional referendum would extend to young adults. I am not having a go at Deputy Lynch. We are dealing with the after care of young adults aged between 18 and 20. The amendments do not deal with children.

After care has been highlighted as a key element to achieving positive outcomes for young people leaving care. After care services have been developed to assist young people in bridging the transition, as Deputies have mentioned. The services are based on the needs and requirements of each individual leaving care. They can provide information on the various items set out in section 45. After care is provided under that section.

The amendments proposed by the Deputies include the amending of section 45 to change the word "may" to "shall", thereby obliging the HSE to provide after care services. The assumption is that the HSE is not so obliged. However, the current legislative provisions have been reviewed and I am assured on the basis of strong legal advice to which Deputy Ó Caoláin referred, that the existing wording in the Act creates a statutory power whereby the HSE as a recipient of this power must put itself in a position where it can exercise the power should the need arise. My legal advice is that this provision places a mandatory obligation to provide——

**Deputy Kathleen Lynch:** Who determines the need?

**Deputy Barry Andrews:** Deputy Lynch's own proposed amendment suggests that the determination of need be carried out by the HSE. This is what the Government——

**Deputy Kathleen Lynch:** However, no absolute right to that——

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

**Deputy Kathleen Lynch:** I apologise.

**Deputy Barry Andrews:** It is a mandatory obligation to provide after care where need has been established for such care on foot of an assessment. In addition, the HSE is under a duty to form a view in respect of each person leaving care as to whether there is a need for assistance and this also constitutes an obligation. The advice is that the request to change "may" to "shall" should not be acceded to, as it is well known that the word "may" in statute often is interpreted as imposing a mandatory obligation.

In order to ensure there was no doubt about the matter and to emphasise the importance of after care services, I issued a policy directive to the HSE in June 2010 clarifying the issue and directing the HSE to formulate and implement after care policies and as Deputy Ó Caoláin has pointed out, that work is ongoing. In addition, following the publication of the Ryan report,

[Deputy Barry Andrews.]

the Government published an implementation plan in July 2009, which included a commitment to the provision of after care services. Additional funding of €1 million was provided in 2010 by the HSE to support the provision of after care services and this continues to be available to the HSE this year. I believe that with these initiatives and protocols and a correct legal understanding of the Child Care Act, together with the funding to provide additional staff and better services, we will have better outcomes. It is due to the determination of Deputies and NGOs who have pressed this issue strongly that this is the case. This is a significant reform and constitutes a significant advance on the position as it stood before 2009. I should point out that the Ombudsman for Children's office made a representation in this regard. The recommendation did not have regard to "need", as Deputy Ó Caoláin read it out. It simply was to be provided whether the need arose or otherwise.

I attended the Irish Foster Care Association's conference in Westport last November and one is struck by how foster care is an extremely fulfilling experience for children in the vast majority of cases. Consequently, after care is not always needed in such circumstances. While Members set out in their amendments what is proposed to be done, as I have stated, the current legal position is that it is a mandatory obligation on the HSE to provide after care where the need is identified and this is exactly on all fours with the policy intention behind all these amendments. In response to Deputy Ó Caoláin, I do not suggest that only a small minority need after care but that of the cohorts of children in care, only a small minority of the overall number of children in care are leaving care. While many of them are very small children, only a small number are 17 and are in the process of leaving care. I made this point to emphasise this should not be a huge expense on the HSE because one is dealing with 5,800 children in care at present, of whom only approximately 200 leave care each year. Therefore, it should be possible to establish a world-class after care service in Ireland. The Government is working towards this through additional funding, a clear understanding and the establishment of protocols with the various NGOs.

**Deputy Charles Flanagan:** I wish to make three brief points and am glad the Minister of State adverted to the Ryan report and also spoke of the implementation plan. However, the Minister of State will be aware that specific reference is made in the Ryan report to the vulnerability of young people in the transitional period from State care to independent living, which highlighted a real and serious problem. The Minister of State stated that under the implementation plan, a sum of money was allocated. Why not take the opportunity now to enshrine the commitment of which the Minister of State speaks in legislation and ensure there will be a mandatory level of after care for future reference?

My second point pertains to Question No. 251 of 19 October 2010 tabled in the name of my colleague, Deputy Timmins, on the matter of after care. In a written reply, the Minister of State stated that the Irish Association of Young People in Care, IAYPIC, is currently funded to provide a national after care service. However, this is not correct because the aforementioned body, which engages in good and positive work, only has a remit for the Dublin north-east region. Consequently, it simply is insufficient to suggest that a single after care worker has national responsibility or a national remit and the record should be put right in this regard.

My final point reverts to the initial point I made, which I must stress in the short time available, and which pertains to the current after care services throughout the State. Members present represent different parts of the country and they all know and share a common awareness of the problems in this area regarding the vulnerability of young persons moving from care to independent living because of the haphazard nature and lack of uniformity in the

services. The only way in which this can be met adequately is by taking on board the letter and spirit of these amendments.

**Deputy Caoimhghín Ó Caoláin:** The Minister of State's observation in respect of the Ombudsman for Children's own arguments and the particular section that I cited is important. In the amendments tabled, it is clear in respect of section 45(1)(a) that what Members seek is that:

Where a child leaves the care of the Health Service Executive, the Executive shall, in accordance with subsection (2), assist him or her for so long as the Executive is satisfied as to his or her need for assistance and, subject to paragraph (b), he or she has not attained the age of 21 years.

The exception to this pertains to educational pursuits already undertaken and they may not have been concluded by the age of 21. However, it is clear that what Members here seek to do is to require the HSE to provide after care where the case is clear and where the need is present, obvious and identified. This would be a hugely important step that would help enormously to avoid some of the serious tragedies of which Members are cognisant, as well as the many of which they are not. I cannot recall the exact phrase but many, on attaining the age of 18, may bolt for the first door that opens and one does not know the direction they take or the story of life that will unfold for them over the following time. Members must ensure that as much as is humanly possible, the State provides for the most vulnerable among our number and these children most certainly are such. Moreover, a number of them will continue, after the age of 18, to require the best supports and guarantees that can be offered to help them face the lives before them.

**Deputy Jan O'Sullivan:** The Minister of State appears to be stating that in effect, there is an obligation on the HSE to form an opinion as to whether a child needs after care and then there is an obligation on the executive to provide it, if it forms that opinion. However, were that the case, those children who need it would all have after care but they do not. Many vulnerable young people do not have after care, having left the care of the State. It is my firm view that Members must include this provision in the legislation to be able to put beyond doubt that such children are entitled to the care they require.

**Deputy Kathleen Lynch:** In reply to the Minister of State, I met a young woman recently who had just come out of care and was reunited with their mother. She assured me her social worker, who was very active with her, was excellent and had been of enormous help to her. The difficulty is that is not always the case and in this Bill we are trying to ensure that is always the experience. The only way that can be done is by enshrining in the Bill that after care shall be provided. In some cases it may not be necessary and people are wise enough to know the difference, but in the event that it is necessary it should be available. The experience of the young woman to whom I referred was good and I hope that if we pass the proper legislation the experience of all young people leaving care would be as good. That is all we are asking for.

**Deputy Barry Andrews:** I tried to deal with those issues in my first contribution and I reiterate that is an area on which I have done a lot of work. I have tried to push the issue as hard as possible because the one lesson from the Ryan report is that in the history of the State  
7 o'clock institutional care led to damage to many people in terms of addiction, homelessness, marital breakdown and poverty. If there was any danger that our policies and provision of services today were to repeat that it would be a total failure to learn those lessons. That is why I was anxious to push this issue as far as I could. In ensuring now that there is an absolute understanding among all providers that there is a mandatory

[Deputy Barry Andrews.]

obligation to provide after care and a duty to investigate whether that need arises we have pushed this reform to the utmost.

In 2010 we provided for the recruitment of ten additional after care workers, a financial support package for young people moving into after care from foster care, residential care and supported lodgings, the maintenance and refurbishment of existing after care premises and the funding of IAYPIC to develop a national advocacy and support service for young people. I can check the issue raised by Deputy Flanagan in regard to the question to Deputy Timmins.

The Government has maintained foster care payment in each of the past two budgets without any of the reductions which might have been expected, given the other reductions in social welfare. It is an acknowledgement that we are dealing with especially vulnerable group of people and whatever supports we can make available for them are well worth it. I hope the developments which have occurred in this area will be reflected in more fulfilled lives for young people who emerge from care with the challenges they have already experienced in their lives.

Amendment put:

The Dáil divided: Tá, 67; Níl, 79.

Tá

Barrett, Seán.  
Behan, Joe.  
Breen, Pat.  
Broughan, Thomas P.  
Bruton, Richard.  
Burke, Ulick.  
Burton, Joan.  
Byrne, Catherine.  
Clune, Deirdre.  
Connaughton, Paul.  
Coonan, Noel J.  
Costello, Joe.  
Coveney, Simon.  
Crawford, Seymour.  
Creed, Michael.  
D'Arcy, Michael.  
Deasy, John.  
Deenihan, Jimmy.  
Doherty, Pearse.  
Doyle, Andrew.  
Durkan, Bernard J.  
English, Damien.  
Feighan, Frank.  
Ferris, Martin.  
Flanagan, Charles.  
Gilmore, Eamon.  
Hayes, Tom.  
Higgins, Michael D.  
Hogan, Phil.  
Howlin, Brendan.  
Kenny, Enda.  
Lynch, Ciarán.  
Lynch, Kathleen.  
McCormack, Pádraic.

McEntee, Shane.  
McGinley, Dinny.  
McGrath, Finian.  
McHugh, Joe.  
McManus, Liz.  
Mitchell, Olivia.  
Naughten, Denis.  
Neville, Dan.  
Noonan, Michael.  
Ó Caoláin, Caoimhghín.  
O'Donnell, Kieran.  
O'Dowd, Fergus.  
O'Keeffe, Jim.  
O'Mahony, John.  
O'Shea, Brian.  
O'Sullivan, Jan.  
O'Sullivan, Maureen.  
Perry, John.  
Quinn, Ruairí.  
Rabbitte, Pat.  
Reilly, James.  
Ring, Michael.  
Shatter, Alan.  
Sheahan, Tom.  
Sheehan, P.J.  
Shortall, Róisín.  
Stagg, Emmet.  
Stanton, David.  
Timmins, Billy.  
Tuffy, Joanna.  
Upton, Mary.  
Varadkar, Leo.  
Wall, Jack.

Níl

Ahern, Bertie.  
Ahern, Michael.  
Ahern, Noel.  
Andrews, Barry.

Andrews, Chris.  
Ardagh, Seán.  
Aylward, Bobby.  
Blaney, Niall.

Níl—*continued*

Brady, Áine.	Lenihan, Brian.
Brady, Cyprian.	Lenihan, Conor.
Brady, Johnny.	McEllistram, Thomas.
Browne, John.	McGrath, Mattie.
Byrne, Thomas.	McGrath, Michael.
Calleary, Dara.	McGuinness, John.
Carey, Pat.	Mansergh, Martin.
Collins, Niall.	Martin, Micheál.
Conlon, Margaret.	Moloney, John.
Connick, Seán.	Moynihan, Michael.
Coughlan, Mary.	Mulcahy, Michael.
Cowen, Brian.	Nolan, M.J.
Cregan, John.	Ó Cuív, Éamon.
Cuffe, Ciarán.	Ó Fearghail, Seán.
Curran, John.	O'Brien, Darragh.
Dempsey, Noel.	O'Connor, Charlie.
Devins, Jimmy.	O'Dea, Willie.
Dooley, Timmy.	O'Donoghue, John.
Fahey, Frank.	O'Flynn, Noel.
Finneran, Michael.	O'Hanlon, Rory.
Fitzpatrick, Michael.	O'Keefe, Batt.
Fleming, Seán.	O'Keefe, Edward.
Flynn, Beverley.	O'Rourke, Mary.
Gormley, John.	O'Sullivan, Christy.
Hanafin, Mary.	Power, Peter.
Harney, Mary.	Power, Seán.
Haughey, Seán.	Roche, Dick.
Healy-Rae, Jackie.	Ryan, Eamon.
Hoctor, Máire.	Sargent, Trevor.
Kelleher, Billy.	Scanlon, Eamon.
Kelly, Peter.	Smith, Brendan.
Kenneally, Brendan.	Treacy, Noel.
Kennedy, Michael.	Wallace, Mary.
Killeen, Tony.	White, Mary Alexandra.
Kitt, Michael P.	Woods, Michael.
Kitt, Tom.	

Tellers: Tá, Deputies David Stanton and Emmet Stagg; Níl, Deputies John Cregan and John Curran.

Amendment declared lost.

Debate adjourned.

### Private Members' Business

#### Health Care Services: Motion

**Deputy James Reilly:** I move:

That Dáil Éireann:

is concerned that:

- a national emergency has again emerged in Ireland's hospitals with an unprecedented 569 patients on trolleys in January 2011;
- the Government will not publish legislation to introduce risk equalisation until 2013, despite having promised to do so within three years when it was struck out by the Supreme Court in 2008;



[Deputy James Reilly.]

- the public hospital system is under increased strain due to rising unemployment at 444,000, businesses unable to access finance and many people in negative equity; and
- the VHI's 1.35 million customers cannot afford increases of up to 45% in their private health insurance premiums because of the failure of the Minister for Health and Children to introduce risk equalisation; and

calls on the Government to:

- instruct the VHI to postpone premium increases until the Milliman Report is published and debated; and
- expedite the introduction of risk equalisation.

I wish to share time with Deputies Catherine Byrne, Denis Naughten, Dan Neville, John O'Mahony, Deirdre Clune and James Bannon.

**An Ceann Comhairle:** Is that agreed? Agreed.

**Deputy James Reilly:** I understand we will be allowed the time we have lost tomorrow. Is that correct?

**An Ceann Comhairle:** The House will have to agree to that proposal.

**Deputy James Reilly:** I think the Whips have sorted it out, but we will not waste further time on the matter now.

**An Ceann Comhairle:** It will have to be put formally to the House.

**Deputy James Reilly:** Like many people, I am perturbed that we must bring this motion before the House. Sadly, it is another manifestation of a failure of Government policy that we find the VHI increasing its premia for customers, by up to as much as 45% for those on Plan B Options and 35% for those on Plan B. This means that the premium for an adult on Plan B will increase by €317 to €1,224 per annum while the premium for a person with a Plan B Options policy will increase by €444 to €1,430 per annum, which is a huge increase and amounts to an increase of €26 per month for Plan B customers and €37 per month for Plan B Options customers. Approximately 29% of health insurance customers hold one or other of these policies.

Plans C, D and E are also to increase by up to 25%. Plan C will increase from €1,431 to €1,788. Plan D will increase by 21% from €1,931 to €2,337. Plan E, which is a top of the range policy and covers private rooms in State high tech hospitals will also increase by 21% from €2,833 to €3,427. The average family of two adults and two children on a parent and kids policy will see their health insurance premiums increase by €331 per annum or €27.60 per month. The same price increase of 15% will apply to the premia of a further 60% of VHI customers.

These are startling figures in their own right. Coming as they do against the background of more than 440,000 people unemployed, nigh on 100,000 people having emigrated and others considering that option as we speak, many families being in negative equity and our public hospital system creaking at the seams, this is the last straw for many people. Many people who had been holding on have given up their insurance as a consequence of these proposed

increases, the consequence of which will be more pressure on our public hospital system. There is no doubt but that this has been the effect.

The Minister introduced risk equalisation, which fell in the courts in 2008. The judge was clear that at issue was not the principle of risk equalisation but the manner in which the law was enacted. It was then open for the Minister to revisit that legislation and to bring new legislation before the House to rectify the situation. Members on all sides of the House agree with community rating, which has at its heart that people, regardless of age or condition, pay the same premium for the same package. There is no dispute in that regard. To underpin this, risk equalisation was introduced. Rather than bring in new risk equalisation legislation, the Minister said she would introduce a health levy. She was warned and advised, in this House and at committee, that this would lead to more people from the group we seek to encourage to keep their insurance — young people who help support the premia of the older members of our society — giving up their insurance. Sadly, the Minister did not listen and, sadly, that has been the effect.

According to a response to a parliamentary question to the Minister for Health and Children, the number of people with private health insurance has decreased by 70,000 in almost two years. At the end of 2008, some 2.297 million had private health insurance. This reduced by 37,000 in 2009 and by 33,000 up to end of September 2010. This clearly reflects the unaffordable increases in private health insurance premia during the past two years and the downturn in the economy and increasing unemployment. It is extraordinary that at a time when everything else, including groceries, gas and so on, are decreasing health insurance premia are increasing. The levy made health insurance even more unaffordable for young families and they too have dropped out. The levy was to compensate the VHI for the preponderance of older people on its books.

Let us consider the injustice of this. People who have for four or five decades paid VHI insurance premia, who remained loyal to the VHI and throughout that time used their insurance little if at all but considered it an insurance against future health problems, now, when in need of private health insurance in respect of a hip replacement, hernia, by-pass or other surgery, find that the VHI will make it unaffordable for them. They are to get only a slap in the face for all those years of loyalty.

A 45% increase is intolerable and unjustifiable. So much has happened in our health service during the past number of years. We have seen the lazy option taken every time, with cuts to the front line rather than the hard yards worked to reduce costs and ensure greater efficiency and patients suffering. We see this in our public health service.

We are tonight discussing the VHI which impacts hugely on our public health service. We have all heard of the plight of the 569 people who found themselves on trolleys two weeks ago, the highest number recorded since the commencement of recording of numbers and the continued cancellation of operations. People are now faced with having to give up their private health insurance and becoming totally dependent on the public health system, which is creaking at the seams. We all remember the late and very brave Susie Long who did not take out private health insurance because she did not believe it right to do so. She underwent a colonoscopy seven months later than she should have while lying opposite a gentleman, against whom she bore no ill-will, who had only to wait three weeks for his colonoscopy because he had private health insurance. We all know the sad outcome of that story.

We are asking tonight that the VHI not be allowed to implement any of these increases until the Milliman report has been published. I am told this report was commissioned by the Department of Health and Children and has been with it since August of last year and with the Minister since September last year. Further, I am told that in excess of €100 million could be

[Deputy James Reilly.]

saved if the recommendations contained in that report are implemented and the VHI did its business differently. It is clear that our health service is dysfunctional and that we do not utilise it in an efficient manner. We, on this side of the House, have long called for a different way of budgeting for our hospitals, namely, a money follows patient budgetary system. I know the Minister will say there are risks involved in doing so. I accept that. However, they are risks that can be catered for. We can stop people carrying out unnecessary tests and operations. It works in other jurisdictions such as Holland, Canada and Taiwan. Anywhere the money follows the patient system is introduced there is a saving of 10% in efficiency and running costs. The sum of €550 million is a huge amount. It is money that could be put into front line services. It would also mean that the services paid for in our hospitals by the VHI and other insurers would be cheaper. I have raised this matter before.

I hold the Minister responsible for her failure to introduce risk equalisation. The Minister of State told us in 2008 that this would take three years. We are now in 2011 and have been told by the Minister of State that it will take another two years, which is unacceptable. Clearly, there are systems abroad that we can modify to our needs. Surely it is possible, given the number of budgetary experts and health economists in the State, and the presence of the Health Insurance Authority, to expedite this. However, we must not allow the VHI to implement these increases without a debate and without the publication of the Milliman report, which will highlight another way of doing business.

I refer to a number of examples. A patient with a lesion who is covered by the VHI and who visits a GP pays him or her a fee. If the patient visits a hospital, the doctor is paid the same fee but the hospital is paid a side room fee, which is often twice that paid to the doctor. I have received complaints from people who went into hospital for a colonoscopy. The doctor's fee was €255 and the side room fee for the hospital was €450.

I received an e-mail two weeks ago. A member of the person's family went into hospital on the north side of Dublin as a public patient and was transferred to a private hospital for a cardiac procedure as a private patient. The person was in hospital for one afternoon and the bill was €35,000. The cost of the surgery and the implant was €25,000 while the hospital bill for one afternoon was €10,000. I do not understand why it has not been possible for the VHI to drive down costs when it has operated as a monopoly for the past 50 years. There does not seem to have been an attempt to revisit the cost of procedures as they became easier. Years ago, the removal of a cataract was a complex operation that took a long time. Such operations are much simpler nowadays and they can be done quicker. Why have the fees for this procedure not been revised?

Why is the VHI still not properly regulated by the Financial Regulator? Why does it not meet solvency requirements? Why are we still in conflict with the EU and the Commission about this? I am not sure how many derogations Ireland has sought at this stage but we are becoming a laughing stock. It is clear the market is not properly regulated and structured and other providers are not encouraged to enter the market. Everything needs to be reviewed but, at the core of this issue, we must protect customers and our citizens. There should be no hikes in premia until the Milliman report is implemented.

**Deputy Catherine Byrne:** I thank Deputy Reilly for tabling the motion, which calls on the Government to instruct the VHI to postpone an increase in premia to allow us to consider the Milliman report. It is important for all of us to consider the report's recommendations in order that spending on private health insurance is properly looked after.

There is a new element of fear on the doorsteps in the past few weeks, especially among the elderly. With more than 569 patients on hospital trolleys in January and people's health at risk

due to unemployment, financial worries, household bills, sick children and so on, people are afraid to cancel their premium in case they fall ill. They are afraid to take the gamble that they may need specialist help in the future and they are afraid to enter the public health system because many of them have been let down by it in the past.

The VHI proposal to increase premia by up to 45% is unacceptable and immoral and, above all, it will put untold strain on many people. The company has 1.35 million customers who cannot afford the increase at this time. They have private health insurance because that is where they have been led by the Government and the Minister. They wanted to make sure that if anything happened to them, they would have cover. The doors of hospitals are bulging with people trying to get in but they cannot be taken. Couples with young children are struggling to meet their child care bills and mortgage repayments. Thousands of them have given up private health insurance. An elderly man with no family who is surviving on €216 a week is trying to pay for his cover because he is afraid that if anything happens to him, he will not be looked after and he will have to wait two or three years for treatment if he does not have health insurance.

As Deputy Reilly said, thousands of people, particularly older people, are dropping their health insurance cover. They have worked hard all their lives and they have reared their children. They set aside money to pay their premia in their twilight years because they do not want to be a burden on their children. I met a couple recently, both in their 80s, who said it will cost them more than €2,000 a year to be part of the private health system, a sum they can ill afford. One man to whom I spoke last night said, at the end of the day, he had to wait almost 18 months for a hip replacement.

It is important that we have the opportunity to read the Milliman report because what is happening is a form of elder abuse. Many of the elderly feel secure because they have private health insurance. They feel they do not have to turn to their families if they fall ill but, above all, all they want is fairness. Services are not being provided to people through our public hospitals. They are told they have to wait up to six months for different procedures. I was contacted by a man before Christmas whose operation, which required daily preparation, was cancelled four times. We are living in a country in which many changes are happening and many of us, including myself, are getting older quicker than we thought.

**Deputy Mary Harney:** The Deputy is not.

**Deputy Catherine Byrne:** We must make sure that people in their golden years can live with a sense of security and belonging and, above all, a commitment from whoever is in government that, when they are sick, they will be looked after and they will not end up lying on trolleys for days on end or have procedures postponed for more than 18 months. It is within the Minister's power to open the report, read it and allow everybody else to read it to see what is happening in the private sector.

**Deputy Denis Naughten:** Families and elderly people are living in a state of fear following the announcement by the VHI of a 45% increase in the cost of health insurance. Young families are left with a stark choice — either pay the mortgage and hope a family member does not get sick or pay the VHI and become homeless. Parents of sick children are going without medical care themselves to pay for their children's medical bills. Surely they have enough to worry about in terms of the child getting better rather than worrying about where they will find the money to pay the GP or consultant.

Older people feel they do not have a choice. They are afraid to change from the VHI to another insurer. One cannot blame them. The insurance policies are very confusing. It is difficult to compare like with like. Young healthy people take a risk in changing from one insurer

[Deputy Denis Naughten.]

to another in case they do not have full cover. An elderly person who has perhaps been paying the VHI for up to 50 years does not feel he or she has a choice. Elderly people paid the VHI through difficult times when they did not need to make any claims and now when they need health insurance they are being forced to cut back on fuel to pay the dramatically increasing premia, which in turn is forcing them into a situation where they are more likely to get sick and be admitted to hospital, thereby putting further and greater pressure on the VHI.

We were told the problem would be sorted out, but instead VHI premia have increased for a third year in a row. A 45% increase comes on top of a 48% increase in the past four years. Every single day people are being forced to give up their health insurance. Where is the risk equalisation we were promised by the Government? Where is the fairness we were promised in health insurance? It always seems to be the same. The Government has a policy of being one report away from taking action on anything. It is putting further pressure on the already over-stretched public health system.

Let us consider the situation with trolleys and the INMO trolley watch figures. County Roscommon has a high dependency ratio given the number of older people. When one takes bed numbers and staffing into account in Roscommon County Hospital, it is equivalent to 100 patients a night lying on trolleys in University Hospital Galway. The situation at the moment is a crisis because elderly people are being forced out of the system due to the dramatic increase in insurance costs. As Deputy Reilly has outlined, those issues can be addressed. At one stage or another every single Member has telephoned the VHI to query an incorrect bill containing additional services that had not been provided. The response one gets is that they were the amounts outlined on the bill that came from the hospital. One wonders why one should bother to pick up the telephone to ring the VHI because it did not seem to care what claim was submitted. It just wrote out the cheque and sent it to the hospital. That ethos still exists within the VHI. Fine Gael's proposal that the money would follow the patient would address that issue and improve efficiencies. I urge the Minister to take action immediately.

**Deputy Dan Neville:** I welcome the opportunity to discuss the matter and I congratulate and commend Deputy Reilly on introducing it. The issue is of great concern to many people. It is difficult for the many people who were used to health insurance to cope with the increase. People could not afford the premia before the increases and since the recent increases were introduced, it is evident that fewer people will get insurance with the VHI. That is especially the case with the elderly because they got hit with a 45% increase. Many people who have paid health insurance for up to 50 years are more concerned with health insurance than ever because of their stage in life. They will be forced to drop their health insurance with which they were comfortable all their lives. Now is a time when such people should be able to relax and enjoy their retirement. For various reasons there are 70,000 fewer people in the VHI in the past two years. The targeting of older people is unfair. I understand the difficulty that exists for the VHI but that is by virtue of the fact that the Government has not acted on risk equalisation. We now understand that risk equalisation will not be introduced until 2013. In ruling against the previous proposal, the court said there was some difficulty with it. It did not say it was unconstitutional or unfair but that legal problems existed. I do not know why we must wait until 2013 to correct legal problems many lawyers tell us could be corrected within months if the will was there to do it.

It is some time since I had an opportunity to discuss suicide with the Minister. I will use my remaining time to focus on that issue. The Minister of State, Deputy John Moloney, usually deals with the matter. I commend him on his efforts but I am disappointed he has not had support from the Government by way of the resources he should get. The Minister must recog-

nise that the level of suicide and suicidal behaviour is a serious social health issue which must be comprehensively addressed and the necessary services put in place.

Research going back to the 1980s demonstrates that suicide and mental illness increase in times of recession and that suicide is linked to financial disasters. It should not come as any surprise that we continue to see more stress, suicide and mental disorders. Official figures indicate that suicide rates increased in 2009 by 25%. The potential psychological impact of economic recession on public health is severe. People who are unemployed are two times more likely to die by suicide than those in employment. The high rate is partly because people with psychiatric illness are at a greater risk of losing of their jobs. There is an association between unemployment and suicide. However, even among young people with no record of serious mental illness, unemployment is associated with a 70% greater risk of suicide. Prospective individual levels of suicide show that unemployment has a causal influence on depression and suicidal thinking. Job insecurity is associated with a 33% greater risk of common mental disorders — mainly anxiety and depression. People with mental disorders are more likely to be in debt than those who have no mental disorder. A research document from the United States indicates that a loss of income rather than low income was associated with increased suicide levels. I take the opportunity to impress on the Minister that greater resources should be invested in the area and there should be a response because of the special circumstances at the moment.

**Deputy John O'Mahony:** I welcome the opportunity to contribute to the debate on the dysfunctional health service which cracked again in early January with the unprecedented high numbers on trolleys and the cancellation of elective surgery and other knock-on effects. I commend Deputy Reilly for tabling the motion at this time because it was slipping off the radar of the Government or it hoped it would go away. The Government was involved with the internal war in the Fianna Fáil Party and sending weekly reports to the EMU and the IMF.

The problem did not go away for the 569 people who were lying on trolleys who had no prospect of getting a bed because of all the ward closures and front line cutbacks, all of which resulted from slashed budgets and wastage. I will illustrate a couple of quick examples of wastage. A couple of month ago I received figures from the HSE indicating approximately €100 million had been spent on agency staff. The process that led to that was the ending of temporary contracts for nurses who were then subsequently re-employed through agencies with a 36% charge on top. Mayo General Hospital was one of the more efficient hospitals in the country in 2010. It came close to budget, yet my information is that a further cut of €10 million will be sought between the hospital and community health services in 2011. Mental health services in County Mayo have been decimated. In the past 18 months to two years 80 mental health nurses who have retired have not been replaced. By 2015 student nurses will be asked to give a year's free labour to hospitals. They will not be paid but will be counted in the staff allocation. It is not slave labour but free labour.

The enormity and timing of the VHI increases, the targeting of our elderly and the response by the Minister beggars belief. I could not believe it when I came in here this evening and read the amendment set down by the Minister. It refers to ensuring that all patients are assessed, treated and discharged or admitted within six hours. Often, we hear of reality and spin. The relevant words that refer to the policy of the Government are "to pursue the targets". Although the Minister may pursue a target of admitting patients straightaway, she could be pursuing it for the next 100 years. The amendment referred to an acute medicine programme which would have a senior medical doctor seeing a patient within one hour. That is simply not taking place. There has been a difficulty in recent years with the Government not holding up its hands, yet it has put out such an amendment. It is unbelievable.

[Deputy John O'Mahony.]

I support Deputy Reilly's call for the VHI price hikes to be postponed immediately. The Minister of State, Deputy Dara Calleary, was on local radio in Mayo and called on the VHI to postpone them. I am sure he has been in contact with the Minister's office in this regard. I call for a response from the Minister. Will the Minister call on the VHI to postpone the increases, especially since all the people concerned have been hit with the increased levies and charges in the past two weeks? It is not good enough. I commend the motion to the House.

**Deputy Deirdre Clune:** I am please to speak to the motion which follows the announcement by the VHI that it intends to impose a staggering increase in the premiums payable by its customers from 1 February next. The proposal has shocked people. It calls into question what is taking place in the VHI. Why have things being allowed to reach the point where there will be increases of the order of 45% on some premiums? Such increases come at a time when the cost of medical inflation is reported to be 10% or less. We are right to ask these questions and the people want answers to them. People are keen to know why competition in the marketplace has not brought order to the situation. The VHI has held a monopoly for almost 50 years. However, it has brought about increases on this scale, in sharp contrast to the increases implemented by its competitors.

Elderly people who have contributed for many years and who have not claimed must accept suddenly that they have this problem. Where have their contributions over the years gone? What does it mean for them? Should they switch to an alternative provider, something they have no wish to do? However, their current provider, the VHI, appears to be encouraging them to go to their competitors because it does not want them. This is probably at the heart of the debate. The VHI is trying to shed many of its elderly customers, whom it perceives as representing an onerous cost on its operations.

Are the answers to all these questions in the Milliman report? We must see it and the motion this evening calls for it to be published. It should be examined and debated prior to allowing any increases by the VHI. The fact that the report has not been published adds to the anger among consumers, who have been asked to take these proposed increases at face value. Time and again this evening, speakers have outlined how efficiencies and changes could be brought about and how the VHI operates.

We are all aware of experiences of people where a bill from a hospital or medical situation arrives which is considered to be sizeable, but the people have tried to point out that they are a customer of the VHI. There appears to be little satisfaction in this area. With any business or operation one examines the costs first and one tries to reduce the costs rather than passing on any increase to consumers. That is the basis of any business. We must see the Milliman report. The reality of these price increases is that the hard-pressed families and individuals who are already under considerable pressure will decide to abandon their health insurance. In many cases this will put further pressure on an already over-stretched health service.

I call on the Minister to explain exactly why she will not publish the Milliman report. What are the excuses? Are they of a legal nature? Do they relate to commercial sensitivity? We need to know and we must see the contents of this report in the interests of all hard-pressed individuals who have been asked to bear the brunt of these unnecessary costs.

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

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

—welcomes the action by Government to reduce unacceptable waiting times for patients in emergency departments and to pursue the target of ensuring that all

patients are assessed, treated and discharged or admitted within six hours of registration at an emergency department;

- welcomes the roll-out of the acute medicine programme which will provide that every medical patient presenting to hospital will be seen by a senior medical doctor within one hour and will provide access to same day diagnostics;
- endorses the Government's strategy that the best way of achieving a stable health insurance market, where policies are relatively affordable for older and sicker people as well as younger and healthier people and where health insurance can evolve in a way which supports overall health policy objectives, is a situation where:
  - the core policy of community rating is supported by an effective, transparent risk equalisation scheme;
  - the State does not act as both regulator of the market and owner of a company in the market, particularly one with a large or dominant market share; and
  - there is a more even balance of older customers between companies in the market;
- notes that, following the Supreme Court decision in July 2008, the Government introduced interim loss compensation arrangements through the taxation system with effect from 1 January 2009 which to date has provided for the transfer of €89 million and is estimated to allow for the transfer of a further €70 million in 2011;
- underlines the Minister's intention to publish legislation this year which will provide for the development of a full, robust risk equalisation scheme which will protect the fundamental objective of community rated premiums, with transitional measures in place pending the introduction of the full scheme; and
- welcomes additional comprehensive actions being taken on private health insurance which include:
  - arranging the sale of the VHI, with appropriate capitalisation and authorisation in advance of this; and
  - pursuing measures to achieve a more even balance of customers among companies in the market.”

I was very disappointed by the decision of the VHI to raise its prices so substantially from 1 February next, a decision of which I was not aware until the morning it was announced. By any standards the increases were remarkably high, ranging from 15% for Plan A, parents and kids, life stage choices and one plans, to as high as 45% for Plan B Options.

I am keen for as many people as possible to continue to buy private health insurance and a price increase of this magnitude could make this difficult. However, I emphasise that there are several alternative, cheaper products which offer similar coverage. There are many alternative plans within the VHI and in the other two companies, Aviva and Quinn Healthcare, which offer the same or similar benefits for a lower price.

The recent price increases have highlighted the extent of choice in the Irish market. The best place to go for independent, comparative information on prices is the Health Insurance Authority. The HIA is an independent statutory body, which advises me as Minister for Health and Children on issues relating to the private health insurance market. The authority has an excel-



[Deputy Mary Harney.]

lent website that informs people of their rights as consumers. It has a user-friendly system to help customers compare prices and benefits offered between and within the health insurers. In addition, the HIA has been providing telephone advice on the same basis. Its website has had 70,000 hits since the increase was announced and it has dealt with more than 2,000 queries. At my request, it has increased the staffing of its helpline to help customers of health insurance companies.

It is interesting to note the variations in prices on offer, both within and between companies. From 1 February 2011, VHI Plan B will cost €1,224 for an adult, whereas the VHI teachers plan, offering the same hospital cover as Plan B, costs €772. This plan must be open to everyone and is not, as its title might suggest, only available to teachers. Similar differences in price are available for VHI Plan A and its comparable VHI First Plan Starter. Equivalent cover to VHI Plan B is provided by Aviva, with its Smart Plan costing €759 and Quinn, with Quinn company Heath Plus costing €690. Deputy Naughten asked a question on this detail. I have all this information and I would be pleased to send the authoritative information to all Members. The information is easy to follow and compares like with like. The Plan A to which I referred costs €698.93 but the VHI First Plan Starter costs €495. In quoting these examples, I do not recommend one company over another. Clearly, it is possible to get very good value even when switching within plans in the same existing company. The examples show that it is possible get better value in health insurance in Ireland.

It is important that the other insurers in the market, which have indicated their willingness to take on all customers, take the initiative now and offer plans to older persons that will attract them to move between insurers. In this way, the market could begin to move towards a more equal sharing of older customers among insurers and we could see competition driving efficiencies in services provided.

Crucially, people in Ireland still have a choice. Health insurance is voluntary. This is unlike the system advocated by Fine Gael whereby people must pay compulsory health insurance as in the case of the Dutch system. Under that system, a person living in Amsterdam must pay between €88 and €111 per month for the most basic package. In addition he or she must pay 6.9% of salary for a health compensation fund. In real terms, this means that a couple on a combined income of €50,000 would have to pay €5,562 towards health insurance.

I remind the House that when the VHI was the sole provider of private health insurance in Ireland the Minister had responsibility for approving price increases. However, this would be counter productive in a competitive market. I believe the right decision was made in leaving that function to the VHI itself since the advent of competition. This was recognised by the removal of the provision for ministerial consent for the VHI board to carry out health insurance schemes in the Voluntary Health Insurance Acts.

As Minister for Health and Children, I have responsibility for governance matters relating to the VHI, such as board appointments and the receipt of its annual report and accounts. In this context, I asked my Department's actuarial advisers, Milliman, to carry out a detailed examination of the VHI's claim costs last year. I was conscious that while the VHI faces a difficult market environment, partly owing to the high age profile of its members, it was important also to look critically at the way in which the cost of claims it receives are managed. With the co-operation of the VHI, Milliman conducted a detailed assessment of the situation.

I received the Milliman report in September last and it was given to the board of the VHI as well as to the Health Insurance Authority. Owing to the extensive commercial sensitive data in the report, I have not published it. To do so would unfairly reveal information which would

put the VHI at a disadvantage as regards its competitors which have not had to reveal similar commercial information.

I believe, however, that the time is now right to release as much of the information contained in the report as possible, subject to the requirements of commercial confidentiality. To this end, I have asked my Department and Milliman to examine what could be released in redacted form as soon as possible.

I will now outline some of the Milliman report's main findings. The study concluded the VHI has given limited focus to what it is paying hospitals. The VHI could potentially make savings of a minimum of 5% to 10% in this area regardless of the risk profile of the insured population, even though the company has a very high proportion of the older population. The report concluded savings of this order are still possible but acknowledged such an improvement would take some time to implement.

The Milliman report also concluded the VHI has been concentrating on the issue of risk equalisation to the exclusion of improving its techniques for managing claims effectively. It found that while moving to a more effective management of claims would require an investment by the VHI in staff and other resources, this could be more than offset by the savings it would produce in the cost of claims.

Milliman reviewed the VHI's experience of claims costs between 2007 and 2009. It found a high trend for utilisation of day cases at private hospitals but also substantial increases in average costs for inpatient procedures. The report also found there were material increases in the utilisation in high-tech hospitals which have higher unit costs than other acute private hospitals, increasing rates for day case utilisation at acute private hospitals combined with substantial increases in average costs for inpatient procedures, and the claims costs per person between 2008 to 2009 rose by 19% while premium increases were 13% over the same period. Premium increases have inevitably been constrained by the competitive landscape in which the VHI operates.

The Milliman report concluded the VHI had made impressive progress in the past two years, including a 15% reduction in consultants' fees, a 6% reduction in private hospital fees and a reduction in its own internal administration costs. The study pointed to several important issues which the VHI must address regarding how it manages its claims. There is no doubt the VHI operates in a challenging marketplace and faces particular challenges from having the great majority of older customers who, understandably, give rise to greater costs of care. However, the lesson from the Milliman report is that the VHI can and must address its claims costs aggressively rather than relying on other elements such as risk equalisation or large price increases to help sort out its difficulties. I have discussed the various issues raised by the report with the VHI's chairman and chief executive officer. Without interfering in the running of the company, I believe I am entitled to insist that these issues be addressed. This is made all the more important given the VHI's decision to increase its premiums by so much.

It must be emphasised it is open to all consumers to switch health insurance policies without penalty. Those who have a policy can switch to the same level of cover without any extra costs and without waiting times for cover to apply. Neither do customers have to wait for their policy renewal time as they can switch whenever they choose. These are key principles of the market.

All customers have the right, guaranteed in law, to switch between or within insurers to get better value. This includes switching to a different plan with their existing insurer or another insurer to get better cover to reduce their premium costs. This rule applies regardless of the age or health of any individual consumer. Health insurance customers can switch easily without having to serve added waiting times and cannot be refused by another insurer. Provisions in

[Deputy Mary Harney.]

the relevant health insurance legislation ensure switching is as easy and seamless as possible for customers.

That said, I am aware the Health Insurance Authority has received some complaints about insurers apparently giving incorrect or somewhat misleading information to customers, especially those in the older age groups who want to get better value. I regard any such practice very seriously and am calling on all insurers to deal honestly and appropriately with all consumers. I would be very concerned if any company was trying to discourage customers from joining or from moving plans.

I have asked the Health Insurance Authority to monitor the situation closely to ensure all customers are given accurate information about their right to switch policies without penalty. In particular, I am anxious to ensure customers are not misled by any insurer about the ease with which changes can be made or about the requirements that must be met before switching. The Health Insurance Authority will play an important role for customers in ensuring they have accurate information and protecting them through monitoring the implementation and enforcement of the health insurance Acts. The authority can enforce the Acts, which require community rating, through the courts.

Since the announcement of the VHI price increases, there has been much criticism about the alleged failure of the Government to put in place a system of risk equalisation that ensures community rating for consumers. Community rating means there is no distinction between young and old or healthy and sick consumers in the open market. Everyone is charged the same premium for a particular plan subject to several exceptions. These exceptions include children where the premium must not be more than 50% of the adult premium, full-time dependent students under the age of 23 years where the premium may be reduced but by not more than 50% of the adult premium, and members of group schemes where the premium may be reduced by up to 10%.

We need risk equalisation in a market in which there is more than one insurer in order that community rating can be protected. When the VHI was the sole provider before the market was opened up in 1996, it could offer community rated plans without the need for risk equalisation. Since there was no other insurer, it could set its premia at a level that spread the risk across all age groups. There was no danger of a competitor seeking to attract the good risk — younger customers — while leaving the VHI with the older clientele.

Health insurance operates on an unfunded basis which means moneys paid in through premia are paid out in claims while also paying for administration and overheads. Moneys are not paid into a fund towards customers' future health which means in a community rated market protections for customers' interests through risk equalisation are of such importance.

With competition, there is every danger that one insurer, whether the VHI or another company, is left with the highest costs simply because of the age of its clients. It is clear, therefore, that we need a risk equalisation scheme that subsidises the cost of health care for older and sicker people across the market of health insurers, especially where one or more companies has a substantially greater share of older or sicker customers.

For historical reasons, because it is providing health insurance since 1957, the VHI has a disproportionate share of older customers. This means it has a preponderance of the claims costs in the market with some 62% market share but 80% of the claims. The Government has worked hard to establish a legally sound system of risk equalisation since the rejection of the earlier scheme by the Supreme Court in July 2008.

Following the court's decision, the Government moved quickly to safeguard community rating. It was clear an interim risk equalisation scheme for a period was needed to allow the

complexities of a full new system to be worked through. It is a very complex area and it was not possible at the time, contrary to some recent claims, simply to make minor technical amendments to the legislation to fix the problems identified by the Supreme Court.

Within months of the Supreme Court's decision, the Government had put in place an interim scheme effective from 1 January 2009. It will operate for three years, ending on 31 December 2011, with some carryover to 2012 for policies renewed during this year. While not as far-reaching as full-scale risk equalisation, the interim scheme has been a very important form of protection for older customers.

The scheme works by transferring resources from insurers with good risks to those with poorer risks. For policies commencing in the period 2009 to the end of 2011, the scheme will provide for a net benefit to the VHI of an estimated €159 million, from Aviva and Quinn Direct. This amount comprises €41 million in 2009, €48 million in 2010 and some €70 million in the current year. The true extent of these transfers under the interim scheme is not commonly realised. It is the first scheme which has actually transferred funds from insurers with lower risks to an insurer with higher risks.

I do not intend to go into the technical details of how the interim scheme works. Suffice it to say that it allocates tax credits to insurers for persons in three age bands and that it is funded by the payment of a levy by all insured persons in the market. In addition, the scheme is Exchequer neutral. When I first introduced it in 2009, the scheme allowed *8 o'clock* insurers with additional costs arising from insuring older people to be compensated for up to 50% of these costs. This year, following advice from the Health Insurance Authority, HIA, the Government increased the level of compensation from 50% to 65%. This is a significant level of support in respect of older customers and it has played a valuable role in assisting with the stabilisation of the health insurance market in advance of a full risk equalisation scheme.

My next priority is to introduce a transitional risk equalisation scheme with effect from 1 January 2012, when the existing interim scheme will expire. To this end, I asked the HIA to advise me on the nature and form that a transitional scheme should take, as well as the approach the Government should take in respect of a full risk equalisation scheme. I received the HIA's report on 23 December last and am considering it at present. I am now working to prepare legislation to give effect to the transitional scheme. I am also working on legislation for the full risk equalisation scheme, which I want to have introduced from 1 January 2013.

Various criticisms have been levelled — not least in the context of this debate — in respect of the time taken to introduce a new risk equalisation scheme. It is important to explain what is involved. Contrary to some claims, this is not a simple or straightforward process that can be put in place quickly. It is complex and technical and requires careful drafting to ensure we have a robust system that is not only legally secure but that will also be capable of easy implementation from an administrative point of view. The compliance costs must be realistic and the benefits of the process must outweigh the costs of implementation.

In order to be fair and accurate, both the transitional and full risk equalisation schemes will need to be based on good data. The latter must be collected by insurers in respect of every insured person and must be analysed appropriately. The logistical aspects relating to putting the data system in place, and the arrangements for calculating fair risk equalisation payments, will take time to complete properly. The necessity for accurate data is acknowledged by the Dutch Government and the lack of this data has caused the latter some concern. Its report on its health system states:

[Deputy Mary Harney.]

The data currently available cannot yet be adequately analysed in terms of demographic characteristics such as socioeconomic status and ethnic grounds. That makes it difficult to judge whether all people have equal health care opportunities (equity). Much of the current information about health care providers is based on self-reports, and the quality of that information is subject to dispute.

We must prepare clear legislation in respect of what is a complex area and then allow time for the necessary administrative mechanisms to be put into operation.

There are also other considerations. Legislation in this area is subject to scrutiny by the European Commission and must comply with various EU directives relating to non-life insurance matters. The EU Commission has, for many years, acknowledged Ireland's right to introduce risk equalisation in the context of our health insurance system. This support is contingent on a number of key principles being observed and the Commission will examine any proposals from a State aid point of view, as well as a competition perspective. My officials have been in regular contact with the Commission to brief it on Government plans and initiatives in recent times. We will continue this process as new plans and proposals for the transitional scheme develop.

As a result of these practical considerations, it is not simply a matter of our hurrying matters up. I am committed to putting a full system of risk equalisation in place as quickly as I believe is possible — that is, by 1 January 2013 — and, in the meantime, to putting the best possible transitional scheme in place by next January. I am of the view that these deadlines are realistic and I will do everything possible to achieve them.

I wish to take this opportunity to update the House on a number of interrelated measures that the Government has decided to implement in respect of private health insurance. Last May, the Government announced a series of integrated measures to reform private health insurance market. The objectives of these measures were to achieve a stable health insurance market, where policies are relatively affordable for older people, in particular, and where health insurance can evolve in a way which supports overall health policy objectives; to support the core policy of community rating by the implementation of a new, robust risk equalisation scheme; to ensure the State does not act as both regulator of the market and owner of a company in the market by arranging for the sale of VHI, with appropriate capitalisation and authorisation in advance of this; and to pursue measures to achieve a more even balance of older customers among the health insurance companies on the market. These objectives are vital in the context of the provision of an equitable, well-functioning private health insurance market in Ireland.

The steps the Government promised to take, and on which it is now working, include the sale of the VHI, to be preceded by appropriate capitalisation and authorisation of the company — authorisation is the process by which the Central Bank deems it appropriate for an insurer to operate in compliance with all requirements, including solvency, in an open health insurance market; the updating and reform of the minimum benefits that must be offered by all health insurers to their customers; and the implementation of new provisions to promote lifetime community rating, by creating financial incentives for people to buy health insurance at an early age, rather than leaving it until later in life. I wish to deal briefly with each of these promised steps.

It has been the Government's view for some time that there is no good reason for the State to retain ownership of one of the country's health insurers, especially in a competitive market. Indeed, we are of the view that it is not desirable that the State should be both regulator of

the private health insurance market and the owner of the largest company in that market. This issue was raised as far back as the White Paper on Health Insurance published in 1999. In May 2010, the Government formally confirmed its intention to dispose of its interest in the VHI and we have now commenced the process of so doing. My Department is currently considering tenders for advisers to provide financial and legal advice on how best to sequence the process for selling the company. It is hoped to award a contract to the successful tenderer in the next month or so.

The first task of the chosen advisers will be to prepare a report on the possibility of rebalancing the market in the context of the proposed sale of the VHI. This task is necessary because of the disproportionate number of older subscribers with the VHI. Ideally, there would be a more even spread of good and less attractive risks across the health insurance market. This would balance the market and help improve competition on the basis of efficiency rather than on that of age or other risks. It would also assist in reducing the extent of risk equalisation payments that is currently necessary between insurers.

The VHI needs to be formally authorised by the Central Bank of Ireland. It is also likely to require a capital injection but the extent of this will only be known nearer the time of sale. The ultimate objective, therefore, is to rebalance the private health insurance market, achieve authorisation and capitalisation of the VHI and divest the State's interest in the company.

Risk equalisation will be a key requirement of a well functioning market. This is a complex and difficult process and critical aspects of it will require EU approval in the context of State aid and competition law. In my opinion, this is the right approach. This agenda must be achieved irrespective of whatever funding model may be used for the health service in the future. Even if it is decided to move away from tax-based funding for the health service as a whole, we will still require a risk-equalised market and we will still wish to sell the VHI following a process of authorisation and capitalisation.

There is also a need to change the current regulations governing the minimum benefits that must be offered by insurers to their customers. The most recent review of these regulations was in 1996, although some minor technical adjustments have been made in the interim. At my request, the HIA has prepared a report on the minimum benefits that should apply in the future. I received its recommendations on 23 December last and am currently considering them. I want to bring forward proposals as soon as possible. The current regulations are almost entirely focused on hospital benefits and changes will be considered which will reflect developments on the market. In particular, I would like the minimum benefit regulations dealing with different approaches to chronic illness management and primary care.

I intend to bring forward new rules to encourage people to take out health insurance at an early age. This will involve gradually higher costs being applied to customers the longer they wait to take out private health insurance for the first time. For example, it would cost a 50 year old person joining a scheme for the first time a higher amount than a 50 year old who was a continuous subscriber since the age of 30.

A break period will be permitted to take account, for example, of times during which it was not possible for the person to buy health insurance due to unemployment or otherwise.

This debate raises key issues about our private health insurance market. Like everyone else, I was very concerned at the extent of the price increases announced by VHI on 6 January last. However, I believe consumers have real choices in the market and I urge them to take the advice of the HIA in this regard. I am determined to ensure consumers are made fully aware of their rights and that they have every opportunity to select the insurance plan that suits them best and is good value for money.

[Deputy Mary Harney.]

To reply to issues raised in the debate, the risk equalisation legislation was introduced by the then Minister, Deputy Michael Noonan, in a Fine Gael-led Government. When I for the first time triggered the risk equalisation scheme on the advice of the HIA, I was strongly criticised for so doing by Fine Gael. That decision was litigated against by BUPA; we won in the High Court but lost in the Supreme Court. Many issues were advanced in that litigation, although the Supreme Court adjudicated in regard to one matter.

If it had been possible to bring in a simple amendment quickly, there is no doubt there would have been further litigation and we would still be tied up in the courts. What we did instead was to use a levy and tax system approach to transfer money. As I said, by the end of this year, approximately €159 million will have transferred. There was a three year holiday for new companies which did not have to pay risk equalisation, so when BUPA was being sold to Quinn, the latter company was able to avail of the three year holiday. When I introduced legislation in February 2007 to close that loophole, it was opposed by Fine Gael. When we introduced the tax relief at source, it was heavily criticised by Fine Gael. Indeed, Deputy Reilly, despite his motion today referring to the introduction of risk equalisation, challenged me at a meeting of the health committee in regard to the VHI by stating: “With a huge market share and new players trying to come into the market it does not make sense.”

Risk equalisation or tax relief at source are about charging more to younger people to subsidise older people. That is the reality, so there is no point saying nothing has happened. We have tax relief at source and money is being transferred over, which is a good thing. However, each time we have triggered an initiative that transfers over money, Fine Gael has objected to it on the grounds it is not warranted.

I am anxious, as every successive Government has been, to ensure we maintain community rating, which the Insurance Acts require. If VHI is in contravention of that principle as a result of the recent price increases around Plan B in particular, it is a matter for the HIA to take action in that regard. I know it will have the support of everybody in that matter.

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** I wish to support my colleague, the Minister for Health and Children, Deputy Mary Harney. In particular I wish to address the issue of acute hospital services and emergency departments.

Emergency departments are the front line for our health services and have a higher public awareness profile than virtually any other service. Approximately 1.2 million individual presentations were made through the doors of 33 emergency departments during 2010 and almost one third of the people who presented were admitted to hospital. As the Minister has already stated, the early weeks of this year have seen too many people waiting for an unacceptable period of time in emergency departments. The Minister has met the HSE and has impressed upon it the need to improve waiting times in emergency departments so all patients are assessed, treated and discharged or admitted without unnecessary delay.

The HSE has taken specific steps to cope with the increase in activity that has been experienced this year, including opening beds which are normally closed for seasonal reasons. Other actions taken by hospitals include increasing the number of ward rounds, including at weekends, to ensure that any patients who are ready to go home are discharged with support as necessary from community-based services.

In addition, the HSE has recently carried out a specific performance improvement project in certain hospitals which have experienced particular problems. Teams working in conjunction with the hospital management have provided reports and recommendations to the hospitals aimed at improving the work of their emergency departments. The HSE is putting in place

improved frameworks to manage and closely audit the implementation of the recommendations arising from this project. The HSE has continued to closely monitor and address the situation. Weekend discharge ward rounds continue to take place and priority is given to access to senior decision makers in emergency departments from on-call admitting teams.

The problems of long waiting times and access to hospital beds cannot be solved within the emergency department or hospital alone. Solutions lie in the wider health care system. For this reason, the HSE has undertaken a number of initiatives such as the winter initiative programme, the code of practice for integrated discharge planning and actions to reduce the number of delayed discharges, including the introduction of the fair deal. Other innovations undertaken by the HSE include the development of emergency care networks and regionally governed services such as acute medical and assessment units, rapid access clinics and minor injury units.

The HSE continues to focus on a system-wide approach to improving access to hospital. A key initiative is the new acute medicine programme and related programmes which seek to channel patients quickly to the service best suited to their needs and to reduce the usage of emergency department services by those who can be best treated elsewhere. Following implementation of the acute medicine programme and its related programmes, medical patients presenting to an acute medical unit will be seen by senior medical doctors within an hour. These doctors will have access to the relevant diagnostic services, which will enable them to make decisions about the admission, care and treatment required for patients in the shortest possible timeframe. The goal of the programme is to reduce the admission rate of medical patients to hospitals and generate medical bed day savings while maintaining the quality of outcomes for patients.

There has been some discussion around the number of beds available within the hospital system. The clear focus of the health service is, and must continue to be, on the number of patients we treat and how we treat them, not on the number of beds in the public system. The 2011 national service plan commits the HSE to treating people more effectively by reducing costs and reforming the way services are provided without reducing access to appropriate services. We are treating more patients each year within the available resources and we are measuring and improving patient outcomes, which will continue over the coming years.

The HSE's actions are focused on protecting front line services, in particular emergency services, maintaining the quality and safety of services and achieving service plan targets. The HSE's commitment to national programmes, such as the acute medicine and surgical programmes, will support the achievement of these targets in 2011. I am confident that this is the correct approach and will allow the HSE to address the impact of planned health service budget changes signalled over the next few years while maintaining the number of patients treated and improving patient outcomes.

The key to addressing the emergency department challenge is an integrated proactive management by all concerned throughout the system. The Minister has asked the HSE to ensure that minimising waiting times in emergency departments is a key priority in its service to patients.

**An Ceann Comhairle:** I call Deputy Jan O'Sullivan.

**Deputy Jan O'Sullivan:** Can I confirm the arrangements for my speaking time?

**An Ceann Comhairle:** The Deputy has 20 minutes. As we finish at 8.30 p.m. the Deputy will also commence tomorrow.

**Deputy Jan O'Sullivan:** I commend the Fine Gael party and my colleague, Deputy James Reilly, on bringing forward this motion, which gives us an opportunity to address in particular



[Deputy Jan O’Sullivan.]

the issues around private health insurance but also the broader issues in regard to health. I apologise that I had to be absent for part of the beginning of the debate.

I will begin by touching on a point which I may return to later, which is dealt with as a first point in both the motion and the Government amendment. I share Deputy O’Mahony’s amazement that the Government “welcomes the action by Government to reduce unacceptable waiting times for patients in emergency departments” and the claim “that every medical patient presenting to hospital will be seen by a senior medical doctor within one hour”. That is fantasy land. What world is the Government living in if it thinks this is what is happening in our hospitals?

I have spoken to people who have been not just hours, but days waiting in emergency departments over the Christmas period trying to get access to some kind of treatment and care in highly unsafe and crowded conditions. We discussed this issue during Question Time last week. I find it astonishing that the Government is so distanced from reality as to think it can get away with using that kind of wording in an amendment to a Dáil motion. If the backbenchers read that, they will be inclined to support the Opposition because they will believe the Minister is living in a fantasy world.

Some 569 people were on trolleys in one day, with 1,500 beds closed and people occupying acute beds who should be out in the community. It is like groundhog day from the time the Minister said this was a national emergency back in 2006. That is the real world. This idea people are being seen within one hour by a senior medical doctor is some kind of dream the Minister must have had last night before she put down the wording of the amendment. It is certainly not reflective of what is happening in hospitals.

There is a much broader issue involved than merely the increase in VHI charges. Simply laying the blame on the VHI and advising customers to shop around and consult the Health Insurance Authority website is an inadequate response to what has happened. The current situation is evidence that the market is not working. Most people who take out private health insurance do so because they are fearful of the situation in the public health system, with 569 people on trolleys in accident and emergency departments, long waiting times for procedures and so on. People take out private insurance because the public system is not properly supported and funded in such a way that there is equality of access. The basic problem is that we do not have a one-tier system. People opt for insurance in order to jump the queue ahead of those who cannot afford to do so.

However, increasing numbers of people are beginning to question why they are paying so much for health insurance and what they are getting in return. They are asking whether they are not, as a citizen of this country, entitled to hospital treatment. However, while some are cancelling their insurance because it does not offer value for money, there are many others for whom it is simply no longer affordable. It is a much more broad-ranging issue than merely balancing the various health insurers and ensuring a more even playing field. Which is not to say that this must not be done, and I strongly support the section of the Fine Gael motion which calls for the risk equalisation legislation to be introduced. That has not been done in accordance with the timeframe the Minister announced when she introduced the Health Insurance (Miscellaneous Provisions) Bill 2008 in the wake of the Supreme Court decision in July 2008. We have had a crude interim measure for several years——

**Deputy Mary Harney:** Three years.

**Deputy Jan O’Sullivan:** It is a long time.

**Deputy Mary Harney:** It was always going to be three years.

**Deputy Jan O’Sullivan:** Surely the legislation could have been figured out sooner. I accept it is complicated, but it is a long time——

**Deputy Mary Harney:** Money is transferring. What is the Deputy’s issue?

**Deputy Jan O’Sullivan:** My issue is that, according to the VHI, the money transfer is not operating in a way that allows it to treat its older patients with the care they deserve. I unreservedly condemn the increases in charges as far too high. However, much of the blame lies at the Minister’s door for not introducing a proper risk equalisation scheme. The VHI, in its annual report for 2009, stated that it would generate losses of €170 million in meeting the health care needs of older customers. In other words, as far back in 2009 the VHI was clearly signalling that there was a problem with having such a high share of older customers.

It is all very well for the Minister to say she intends to bring in measures that will move that around and other measures that will encourage younger people to take out insurance, but what is really needed is a one-tier system that is fair to everybody. We have the oddest system in the world in terms of the types of incentives it throws up, with great advantages for insured patients when it comes to hospital care and disincentives in regard to primary care. There is great talk about protecting older customers and the vulnerable, but the reality is that most older, vulnerable people do not have private health insurance and must go through the public system. We are quibbling with words when we talk about this.

The notion that consulting a website will solve the problem is entirely inadequate. I take the Minister’s point that there are insurance plans of which people are not aware. An expert whose name I do not recall recently advised people to consider the corporate plans because they offer better value. Anybody who heard him may have taken his advice, but many older people do not have access to the Internet and are unsure how to proceed.

We are dealing with a complicated area and a cut-throat market. We saw that when representatives of the various health insurers attended a meeting of the Joint Committee on Health and Children in December 2009. One could cut the tension between VHI and the other insurers with a knife. They are, in my view, competing in a vicious way for customers. That should not be the case in regard to the provision of services for people who are ill.

The document submitted by the Health Insurance Authority to the committee stated, in regard to the future of the market: “In a community-rated market without comprehensive risk equalisation, insurers with lower risk profiles will be more profitable even if they are less efficient.” It also stated: “Insurers that attract less healthy customers by meeting their needs will be penalised by incurring claim costs that are higher than a community-rated premium.” The document also made the following observation:

A systemic issue arises for the market because risks are created for the long-term viability of insurers with less favourable risk profiles and consequently for the stability of the health insurance market as a whole. Regardless of its level of efficiency an insurer with a less favourable risk profile such as VHI Healthcare will be obliged either to increase its premiums or incur significant losses. [We got this warning back in 2009.] If it increases its premiums it is more likely to lose younger than older customers and its worsening risk profile may oblige it to increase premiums further, resulting in a cycle that could threaten the long-term viability of the insurer which would have consequences for the market as a whole. It is important to note that because competition is distorted an insurer would not incur such difficulties because it is less inefficient or because it has poor product. Such difficulties would result directly from its relatively disadvantageous risk profile.

[Deputy Jan O'Sullivan.]

Regarding the possible impact on public health services, the Health Insurance Authority document stated:

Insurers will have an incentive not to market health insurance to older and less healthy consumers and to sell products that do not cover treatments used by older people. If insurance products restrict cover for treatments required by older or less healthy people or if a significant number of these people allow their insurance to lapse then there will be a reduction in demand for private hospital services and a corresponding increase in demand for public hospital services.

This clearly sets out the difficulties of not having an effective risk equalisation system in place. The Minister herself has acknowledged that what is in place is an interim measure and that it does not accurately reflect the different balances that are needed in the market.

It is interesting that the Minister has told us some of what is in the Milliman report. I join Deputy Reilly in calling for the publication of that report. Redacted or not, it is important that the information is made public. There is not a great deal of detail in what the Minister has told us. However, I note the finding that the VHI has given limited focus to what it is paying hospitals for and to investing in ways to manage claims that could yield savings, with the report suggesting that savings of a minimum of 5% to 10% are achievable. The Minister acknowledged that the VHI would have to invest in more staff in order to do that, at additional cost.

I also note that the Milliman report's review of the VHI's experience of claims costs between 2007 and 2009 found there was a high trend for utilisation of day cases at private hospitals and substantial increases in average costs for inpatient procedures. I do not know whether this means the VHI is overusing private hospitals and whether services are more cheaply available in public hospitals. Perhaps we need to examine the current ruling that 20% of beds in public hospitals are designated for private patients. This is clearly designed to put insured patients into private rather than public provision, because the percentage of people with health insurance is far higher than 20%. This causes particular difficulties in areas such as Limerick where there is no private hospital. Patients have a right to a bed in a public hospital regardless of whether they are insured. That is distorting the use of public hospitals by patients who are insured.

Debate adjourned.

### **Adjournment Debate**

---

### **Quinn Insurance Group**

**Deputy Frank Feighan:** I wish to share time with Deputies Seymour Crawford, Caoimhghín Ó Caoláin, Rory O'Hanlon and Margaret Conlon.

**Acting Chairman (Deputy Jan O'Sullivan):** Is that agreed? Agreed.

**Deputy Frank Feighan:** We have met Quinn workers, the Quinn group and concerned Irish businesses about this serious situation. There is currently a bid to take over Quinn Insurance. As politicians we have listened to local concerns that this process should be open and transparent, and that whatever decision is made will take into account the 6,000 jobs in the Quinn group and others that rely on it. In addition, taxpayers must be taken into consideration at all times. We will meet various groups and agencies to ensure that the concerns of Quinn workers, businesses and taxpayers will be taken into account in whatever decision is to be made. That

is why we have raised this matter in the House today. I will now hand over to Deputy Seymour Crawford.

**Deputy Seymour Crawford:** I welcome the opportunity to speak on this extremely urgent and serious situation. In March 2010, the people of the Border region, North and South, were thrown into disbelief and horror at the action taken by the Financial Regulator, Mr. Matthew Elderfield, who appointed provisional joint administrators by the High Court to Quinn Insurance Ltd. We now know that for years there had been no real regulation here. However, it is clear from the information now available that this action was less than necessary and the problem could have been dealt with in a different way.

I make no excuse for the fact that Seán Quinn and his family made a major blunder through their involvement in Anglo Irish Bank shares. In fairness, Mr. Quinn put up his hands and immediately admitted the exact situation and how it had caused difficulties. However, in spite of the fact that the Quinn group provided a minimum of 6,000 jobs on this island, some of the national media tried to make out that things were much worse than they proved to be. There were suggestions of a smoking bomb which was about to go off, but of course this never happened. Despite all the bad publicity, Quinn Insurance staff have managed to maintain and increase the insurance business that the regulator allowed them to deal with. This proves the value of the Quinn Insurance structure.

My question to the Minister of State is a simple one. My interest is not in any individual but in the retention of 6,000 jobs mainly in the Border region, where the IDA or similar organisations showed no interest. Why were negotiations broken off between the Quinn group and Anglo Irish Bank without any explanation and, thus, the administrator did not receive that proposal? Is it not correct to say that Anglo Irish Bank is fully under Government control and, as such, answerable to the Minister for Finance?

I recall our visit to the Minister for Finance, Deputy Brian Lenihan, as an Oireachtas cross-party group, when he advised us of the importance of Anglo Irish Bank to the solution. Does the Minister agree that it would be better to lodge sufficient money as a guarantee, which would almost certainly never be drawn down? The majority of the 6,000 jobs would thus be retained, rather than putting them at risk and ensuring that the taxpayer would have to bear the brunt of the €2.8 billion the Quinn family might not be able to repay under a different solution.

I make it clear that the Quinn Insurance group is going well. However, the Government and this House need to ensure that whatever has to be done is done to save those jobs.

**Deputy Margaret Conlon:** I welcome the opportunity to make a brief contribution to this Adjournment debate. Everybody knows that since April 2010 Quinn Insurance has been placed in administration. That decision changed the lives of many people who became worried and fearful about their employment prospects, and with good reason. Following that decision, 1,000 redundancies were announced of which 700 have taken effect. A process was put in place to elicit expressions of interest in Quinn Insurance as a going concern. The closing date for that process was 8 December 2010.

What irritates me most is that for eight or nine months the management of Quinn Insurance worked tirelessly with Anglo Irish Bank in preparing a proposal to be submitted for consideration. It was the considered view of the management that there was positivity towards this proposal. Why then was it not submitted for consideration? Did Anglo Irish Bank lead the management on a merry dance and, if so, why? By all accounts, this proposal was comprehensive and well thought out. It would protect the policy holders — of whom I am one — and it would maintain jobs in Ireland, while offering an opportunity for the business to grow in future.

[Deputy Margaret Conlon.]

It would also facilitate a very important point — the repayment of the €2.8 billion owed by the Quinn family. That surely has to be a big consideration because it is taxpayers' money.

I want to know plainly and simply who made the decision that this proposal could not be considered and why was that decision made? If there were deficiencies with it, why could they not be highlighted in an open and transparent manner, teased out and worked on? My colleagues on all sides of the House and I agree that this proposal is worthy of consideration in its own right and should be judged on its own merits.

At this late stage, before the decision is made, I appeal to the Minister to assist us in getting answers for the workers and management of the Quinn group who deserve no less. They have not been treated fairly and Anglo Irish Bank has not been honest with them. Different messages were given to various people. We are all of the view that the jobs are of paramount importance. There is no queue of foreign direct investors coming our way. West Cavan and Derrylin were barren, desolate places before Seán Quinn took a risk and invested in the community and its people. I do not want to see a situation whereby we would return to the previous scenario. The workers and management of Quinn Insurance deserve to know the truth.

**Deputy Caoimhghín Ó Caoláin:** I welcome the cross-party nature of this evening's attempt to address this hugely important issue. However, while I welcome the fact that the Minister of State, Deputy Mary Alexandra White, is taking this Adjournment matter, I regret that the Minister for Finance, Deputy Brian Lenihan, is not here in person. I understand that he may be preoccupied with a matter concerning a single job — that is, the leadership of his own political party. At the core of what we are seeking to address, however, is the issue in regard to many multiples of jobs across Quinn Insurance in Cavan, Enniskillen, Blanchardstown, Navan and elsewhere. Our concerns are real and valid, and we have very important questions to put to the Minister.

We would like to know the full extent of his information on the so described Quinn-Anglo proposals in regard to the future of Quinn Insurance Limited. We would like to know the information he has on how that worked out set of proposals over a period of several months was derailed in terms of its final journey. We would like to know what influences were brought to bear to derail that very sound set of proposals that guarantees the future of the existing jobs in all of the current sites and offered the best prospect of the return of the €2.8 billion owed to the taxpayer — to Anglo Irish Bank now in State ownership — from the Quinn family.

It defies our understanding at this point in time, in the absence of all the information, to appreciate how we could have arrived at this position when after a period of some nine months Quinn Insurance representatives of Anglo Irish Bank, leading up to the Christmas period at the end of last month, were working continuously and fastidiously on developing their proposals and fine-tuning the detail in regard to projections of Quinn Insurance into the future.

We have key and salient questions but, sadly, the Minister is not present and the Minister of State, Deputy White, will deliver what is a prepared response. That is not adequate and, with colleagues here, we are seeking a direct meeting with the Minister for Finance, which I hope will be accommodated at the earliest opportunity. The Minister's reflection of this appeal, on an all-party basis, would be much appreciated.

I hope that in a short period of days this collective of Deputies and Senators across the region, and colleagues from north of the Border who are cosigned to our appeal, will have that opportunity to meet with the Minister for Finance as we are already now embarked on engaging with several of the other decision makers and stakeholders in this very sorry saga.

**Minister of State at the Department of Community, Equality and Gaeltacht Affairs (Deputy Mary Alexandra White):** I am taking this Adjournment matter on behalf of the Minister, Deputy Brian Lenihan, who would like to thank the Deputies for raising this issue.

At the outset, Deputies will understand that the Minister for Finance is constrained about what he can disclose to the House in respect of a competitive sales process in regard to the sale currently under way in respect of Quinn Insurance Limited, including the participation of any party to that process. It is important to keep in mind that responsibility for the sales process is a matter for the joint administrators who were appointed by the High Court. The administrators are currently deciding on a preferred bidder with a view to entering into detailed discussions with them to seek to conclude an agreement on the sale of Quinn Insurance Limited. It is important in that context that the confidentiality of the process is respected and that we remain careful in our debate to ensure the fair process and the commercial nature of the transaction are respected.

Deputies will be aware that the Minister for Finance has responsibility for the development of the legal framework governing financial regulation. The day to day responsibility for the supervision of financial institutions, however, is a matter for the Central Bank, which is statutorily independent in the exercise of its regulatory functions. It was in this independent capacity that the Central Bank, then the Financial Regulator, applied to the High Court to have Quinn Insurance Limited placed in administration.

For the benefit of the House, it made its decision because it had a number of concerns in respect of the financial position of the company, the manner in which it was being managed, and its inability to comply with supervisory regulation. These concerns included an ongoing breach of the Central Bank-imposed solvency ratios; the discovery of guarantees, through unregulated property subsidiaries, to senior lenders — a syndicate of banks led by Barclays and a number of bondholders — over insurance company assets which the Central Bank was unaware of until March 2010 and which had the potential to significantly increase its solvency shortfall; and the manner in which the business was being managed raised governance and accountability questions about the internal control mechanisms as well as the accounting and administration procedures and practices within the company.

The appointment of the joint administrators, pursuant to the Insurance (No 2) Act 1983, to take over the management of Quinn Insurance Limited was taken in the best interests of the firm's policyholders to allow the firm to remain open for business and to continue to be run as a going concern with a view to placing it on an ongoing sound commercial and financial footing.

From the outset the joint administrators have concentrated on fulfilling this agenda and one of their main aims is to ensure that the value of the business was maintained in order to make it as attractive as possible to potential buyers. A key factor here was the reopening of the profitable parts of the UK business.

In response to a detailed case from the joint administrators, the Central Bank, in the first instance, allowed Quinn Insurance Limited, QIL, to reopen private motor insurance business by the end of April. As part of its consideration, the bank considered the information provided by the administrators in regard to key improvements in the company's underwriting model and significant strengthening of its pricing structure. It also consulted closely with the UK Financial Services Authority. Later on, the administrators also sought to have the commercial lines of business in the UK re-opened. However, the Central Bank decided in September that such a move would not be appropriate as QIL would require additional capital which it currently does not have.

The next significant step was the appointment by the High Court on 3 June 2010 of advisers on any prospective sale of Quinn Insurance Limited at the request of the joint administrators.

[Deputy Mary Alexandra White.]

The advisers, on behalf of the joint administrators, issued an information memorandum on 27 August 2010 on the sale of the company to interested parties which set out a two stage process for selecting a purchaser. The first stage required the submission of a non-binding indicative proposal by Friday, 17 September 2010.

The Minister for Finance understands that following evaluation by the advisers and the joint administrators of the above mentioned proposals, a limited number of prospective purchasers were shortlisted by the administrators to participate in phase two of the sale process. They have conducted further due diligence, including the consideration of the necessary commercial information, enabling them to make a final bid.

The joint administrators are currently considering the final bids. In doing this the Deputies should note that the administrators are working to find a solution that addresses the issue of putting the company back on a sound commercial and financial footing. As part of that process their role is to assess bids which will protect the interests of policyholders and which will enable the company to continue to operate as a going concern. The retention and protection of employment is another important element of the administrators' responsibilities subject, as always, to their statutory responsibilities.

Once a preferred bidder is chosen the administrators will enter into detailed discussions with them to seek to conclude an agreement. The Minister for Finance understands that the administrators wish to conclude a sale transaction as soon as possible.

As the Deputies will know, the final decision of the joint administrators is subject to the approval of the High Court. It is important to be clear that neither the Minister for Finance nor the Government has any input or influence over the administration process, including any decision on the sale of the company. It should be noted, however, that he is very conscious of the employment implications of any decision made by the joint administrators in regard to the sale of Quinn Insurance Limited and is keen that as many jobs as possible are safeguarded as part of this process. However, the Minister is of the view that it is inappropriate to speculate as to what may happen in regard to jobs before any decision is made on the sale of the company.

Nevertheless, the Deputies will be aware that last year, in response to the developments in Quinn Insurance and its impact on the employees' jobs, the Minister, Deputy Batt O'Keeffe, established an inter-agency team comprising Enterprise Ireland, FÁS, IDA Ireland, the relevant county enterprise boards and the Department of Social Protection. The group meets regularly under the chairmanship of Dan Flinter.

The Minister, Deputy O'Keeffe, considers that the inter-agency team has been an effective solution to co-ordinate the activities of the relevant Departments, State development agencies and county enterprise boards in order to support employment opportunities for the people concerned.

The Government continues to monitor the position on employment and the Quinn Group generally. That is why the outcome of the sales process is important in putting the company back on a sound commercial and financial footing. This is the best way of protecting jobs and the wider interests of the taxpayer.

**Deputy Seymour Crawford:** No answers.

### **Illegal Downloading of Copyright Material**

**Deputy John Cregan:** I thank the Ceann Comhairle for giving me the opportunity to raise this important issue and I thank the Minister for Enterprise, Trade and Innovation for coming to the Chamber to reply to the debate.

This issue was discussed in the Seanad before Christmas and it has been the subject of High Court proceedings and a ruling by Mr. Justice Charleton. However, the issue has not gone away and needs to be addressed by the Government at the earliest opportunity.

Illegal downloading of music, films and computer games is widespread. The music and other creative industries are being badly hit by this illegal activity and many jobs are being lost. That is regrettable, while the Government is making every effort to put people back to work. In recent weeks the Minister, Deputy Batt O’Keeffe, has announced several new jobs. We can stop people losing their jobs if we tackle this issue quickly. Yesterday in Galway, further jobs were lost with the closure of retail units. Their owners laid the blame at the door of illegal downloading.

There is a solution to this problem. Mr. Justice Charleton referred to the further enactment of EU regulations and legislation and I ask the Minister to consider this. Something must be done.

There is cross-party agreement on this issue in both Houses. We are all proud of our artists, entertainers, singers, dancers, musicians and film makers and we have supported those industries for many years. We have produced world class artists and we are proud of that. An artist’s work is to record an album or make a film and he or she is paid for that by the sale of the end product. That has been the tradition and a number of retail outlets have prospered over the years from artistic activity. Unfortunately, the trend is changing with the advent of technology and illegal downloading. I regret that this development is causing difficulty for our artists and related retail outlets. The time is now right to support these people.

In recent weeks, there has been much mention of the legislative programme to be implemented in the lifetime of the Government. I ask the Minister to give priority to this problem. This is a serious issue that needs to be addressed.

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** I thank Deputy John Cregan for raising this extremely important issue and assure him that it will get my priority attention.

As regards the issue of illegal downloading of copyright material on the Internet, the first point I would make is that rights’ holders of such copyright material already have a legal remedy to pursue anyone downloading such material. Under existing legislation, any person who illegally uploads or downloads unlicensed music is liable for copyright infringement under the terms of the Copyright and Related Rights Act 2000. Such a person, whose internet protocol, IP, address may be identified through various detection methods, may be pursued by the copyright holder following a judicial process — the obtaining of a Norwich Pharmacal Order from the courts. Under this procedure, a court may order an Internet service provider, ISP, to disclose the names of the alleged infringers through their IP addresses, subject to certain safeguards. This procedure has been used on a number of occasions in this jurisdiction already and is not affected by the recent judgment to which the Deputy refers.

The judgment concerned, which was handed down by Mr. Justice Charleton in the High Court case between EMI Records (Ireland) Limited, Sony Music Entertainment Ireland Limited, Universal Music Ireland Limited, Warner Music Ireland Limited and WEA International Incorporated on the one hand, and UPC Communications Ireland Limited on the other, relates to actions taken against Internet service providers. The judgment is a very complex one and has been examined very carefully both by the Department of Enterprise, Trade and Innovation and the Department of Communications, Energy and Natural Resources.

Essentially, the recording companies concerned sought injunctions against UPC, an Internet service provider, on the downloading of copyright material over the Internet, and the court



[Deputy Batt O’Keeffe.]

declined to grant such injunctions in the circumstances set out. The area concerned is a very complicated one and it encompasses issues such as the illegal downloading of copyright material, the treatment of Internet service providers in such circumstances, the obligations imposed on member states by European Union law and the upcoming requirement for Ireland to transpose the 2009 Framework Directive on a common regulatory framework for electronic communications networks and services.

Mr. Justice Charleton’s judgment is a lengthy one, running to 78 pages, and, in its ruling, it ranges across the various provisions in copyright, e-commerce and national telecommunications legislation and the relevant European law in each of those areas. Having obtained a copy of the judgment, the Department of Enterprise, Trade and Innovation referred it to the Attorney General’s office for advice and this advice has now been received. The Attorney General advice is being considered by the Department of Enterprise, Trade and Innovation and the Department of Communications, Energy and Natural Resources and any necessary actions will be taken as a matter of priority.

As the matter obviously has implications for Internet service providers, the Department of Enterprise, Trade and Innovation will continue to liaise with both the Attorney General and the Department of Communications, Energy and Natural Resources to ensure that any measures adopted do not impose any unnecessarily onerous obligations on the Internet service provider.

As Minister with responsibility for intellectual property, I am concerned to ensure that the interests of rights’ holders in respect of copyright and performances are upheld and are not infringed by illegal activity on the Internet or elsewhere. I must also, however, have regard to the position of Ireland’s information and telecommunications industry and, in particular, that of our Internet service providers.

Articles 12 to 14 of the European e-commerce directive, for example, provide defences to Internet service providers who transmit digital content, including copyright material, by electronic means on the Internet. These have been transposed, in Ireland, through regulations 16 to 18 of SI 68 of 2003. Regulation 16 provides that Internet service providers are not liable for information transmitted by them in a communication network, where an Internet service provider establishes that it is a mere conduit or carrier of information. Regulation 17 similarly covers caching or temporary storage. Regulation 18 deals similarly with hosting or permanent storage. However, these regulations do not affect the power of any court to make an order against an Internet service provider requiring the provider not to infringe, or to cease to infringe, any legal rights.

At present, the Department of Enterprise, Trade and Innovation is in further consultation with the Office of the Attorney General. We want further clarification as to the content of any measures that might be introduced. I am sure the Deputy will appreciate that while I am not in a position to comment any further on the detail of the document, I am determined to bring it to a conclusion and to take the necessary actions at the earliest possible date.

The Dáil adjourned at 9 p.m. until 10.30 a.m. on Wednesday, 19 January 2011.

## 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 5, inclusive, answered orally.*

*Questions Nos. 6 to 52, inclusive, resubmitted.*

*Questions Nos. 53 to 60, inclusive, answered orally.*

### **Air Services**

61. **Deputy Ruairí Quinn** asked the Minister for Transport the reason he plans to cease public service obligation payments to airlines operating at regional airports from July 2011 under the national recovery plan; if he is satisfied that EU policy regarding connectivity is the correct benchmark for a small country like Ireland; and if he will make a statement on the matter. [2262/11]

63. **Deputy Jimmy Deenihan** asked the Minister for Transport if he will publish the value for money review on regional airports without further delay in order to facilitate an informed debate on the matter; and if he will make a statement on the matter. [2312/11]

81. **Deputy Brian O'Shea** asked the Minister for Transport his policy for the development, operation and maintenance of our existing regional airports; his views on whether any other regional airport is no longer viable; if he has carried out any analysis on the future of those airports where the public service obligation and capital support has been withdrawn; and if he will make a statement on the matter. [2257/11]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 61, 63 and 81 together.

As I have said already in the House in response to a Priority PQ number 53, the Government decision to support the continuation of a Public Service Obligation route between Donegal and Dublin and between Kerry and Dublin and to cease requiring Public Service Obligation routes between Dublin and Sligo, Knock, Galway and Derry from July 2011 was taken following full consideration of the conclusions and recommendations of the Value for Money (VFM) Review of Exchequer Expenditure on Regional Airports. The VFM Review is part of the Government's Value for Money and Policy Review initiative introduced to secure improved value for money

[Deputy Noel Dempsey.]

from public expenditure. The Review evaluates past Exchequer expenditure against the Regional Airport Programme objectives and examines the scope for achieving those objectives more efficiently and effectively in the future.

The Review was published on Wednesday, 12 January 2011 and is available for download on my Department's website. The Review involved extensive consultations with a wide range of stakeholders including the regional airports, the BMW Regional Assembly, IDA, IAA, Fáilte Ireland, Tourism Ireland, Enterprise Ireland, Aer Arann and Ryanair. Under updated EU legislation governing the PSO air services, more stringent conditions will apply in the future, having regard for example to the availability of other transport connections and especially rail services with a travelling time of three hours or less. I believe this is a reasonable benchmark when considering levels of connectivity in Ireland.

The change in EU legislation, the substantial investment in surface transport, the completion of the Review and the requirement to make best use of scarce Exchequer resources, were all taken into consideration by Government in making this decision. Overall, I believe that the combination of an improved surface transport network together with a more consolidated air service network to regional airports, along with the State Airports at Cork, Shannon and Dublin, provides the necessary connectivity to underpin Ireland's sustainable development. As all the regional airports are privately owned, the question of their commercial viability is a matter for each of them to consider. My focus is on making the best use of scarce Exchequer funds for the good of the Irish public.

In addition to the PSO scheme, there are two other schemes which provide Exchequer support to the Regional Airports — an Opex scheme which provides money to airports to cover all or part of their operational losses in any given year and a Capex scheme which provides finance towards the cost of necessary infrastructure at our regional airports. I am giving further consideration to these schemes and will revert to Government shortly with proposals.

### **Severe Weather Events**

62. **Deputy Michael Ring** asked the Minister for Transport if he will publish clear guidelines for local authorities and local communities to allow them work together to salt and grit local roads using voluntary efforts and community organisations in partnership with local authority offices; and if he will make a statement on the matter. [2361/11]

69. **Deputy Pádraic McCormack** asked the Minister for Transport if he will consider, in conjunction with the Department of the Environment, Heritage and Local Government, making resources available to provide salt bunkers for distribution by local authorities to allow residents in housing estates store and access salt supplies for local roads and vulnerable estates; and if he will make a statement on the matter. [2337/11]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 62 and 69 together.

The Government Emergency Task Force, under the auspices of the Department of Defence, is the framework around which national emergency responses are co-ordinated. Under the published emergency planning procedures, the national response to severe weather events is led by the Department of the Environment, Heritage and Local Government. The Department of Transport plays a support role in responding to such events. The Severe Weather Inter-Department Co-ordination Group met daily over the duration of the severe weather to co-ordinate the national response and monitor impacts across all sectors countrywide. Following a meeting last Wednesday that Group have already commenced a review of the overall

response to the recent event. The review will, amongst many issues, include transport related matters, community involvement and salt management issues.

Clearly the priority will be to continue to ensure there is sufficient salt supply to keep the national primary road network open during any sustained period of severe weather. I am also of the view that public authorities should examine ways of supporting community groups in “self help” efforts. As I have indicated this is an issue which will be considered in the review currently underway. The review is expected to be largely completed over the next 6 weeks and Government Departments including my Department will be actively contributing to the review based on their experience over the recent spell of severe weather.

*Question No. 63 answered with Question No. 61.*

64. **Deputy Paul Kehoe** asked the Minister for Transport if he will require the National Roads Authority to purchase salt stocks centrally for local authorities as well as keeping responsibility for centralised salt provision for primary routes; and if he will make a statement on the matter. [2332/11]

66. **Deputy Brian Hayes** asked the Minister for Transport if he has reviewed the amount of salt and grit that will be kept in stock throughout the winter months in view of salt shortages due to freezing weather conditions in recent months; and if he will make a statement on the matter. [2327/11]

67. **Deputy Emmet Stagg** asked the Minister for Transport if he will ensure that there is public transport service in Dublin after 9 p.m. in adverse weather conditions; if necessary that winter tyres be available for Dublin Bus; and if he will make a statement on the matter. [2271/11]

71. **Deputy Arthur Morgan** asked the Minister for Transport the steps he will take to ensure that adequate salt supplies are sourced and distributed by the National Roads Authority to local authorities across the State so as to ensure that recent severe problems are not repeated; and if he will make a statement on the matter. [2196/11]

87. **Deputy Kathleen Lynch** asked the Minister for Transport if he will review the operations of the Government task force dealing with the present weather crisis with a view to providing a national transport strategy for dealing with transport requirements in extreme weather conditions; and if he will make a statement on the matter. [2252/11]

90. **Deputy Lucinda Creighton** asked the Minister for Transport the communication he has had with the Dublin Airport Authority and the National Roads Authority following December’s travel disruption due to the difficult weather conditions; his plans to implement new strategies to keep transport links open in the case of such conditions in the future; and if he will make a statement on the matter. [2198/11]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 64, 66, 67, 71, 87 and 90 together.

As Minister for Transport, I have responsibility for overall policy and funding for the Transport sector. As the Deputies will be aware, the issues raised by them mainly fall within the operational responsibilities of the relevant agencies, be it the National Roads Authority, the public transport companies and the Dublin Airport Authority in which I have no function. I refer the Deputies to my response to today’s priority questions 54 and 57.

### Rural Transport Services

65. **Deputy Charles Flanagan** asked the Minister for Transport if he will publish the value for money review on the rural transport programme; and if he will make a statement on the matter. [2323/11]

**Minister for Transport (Deputy Noel Dempsey):** It is intended to complete the Report on the Value for Money and Policy Review of the Rural Transport Programme in the coming weeks. Thereafter, the Report will be published following consideration by Government.

*Questions Nos. 66 and 67 answered with Question No. 64.*

### Transport 21

68. **Deputy Bernard J. Durkan** asked the Minister for Transport the objectives identified in the national transport plan, Transport 21, which have so far been realised; the projects, if any, deleted from those originally announced by him at the launch of the plan; the additional projects included in the interim; the degree to which the economic situation has impacted or is likely to impact on the delivery of the plan; if the priorities and time schedule remain as originally anticipated; and if he will make a statement on the matter. [2410/11]

**Minister for Transport (Deputy Noel Dempsey):** Transport 21 aimed to develop Ireland's transport system, by significantly expanding capacity, increasing integration, enhancing quality, increasing accessibility and ensuring sustainability. The programme proposed to achieve these aims through various objectives including the completion of the inter-urban motorway network and improvements to the rest of the national roads network; the transformation of the public transport network in Dublin and the improvement of regional and rural public transport systems.

As the Deputy is aware substantial progress has been made since 2006 on the various Transport 21 projects included in these objectives:

- The five major inter-urban motorways, the M50 upgrade and the M3 motorway from Clonee to North of Kells have been completed.
- The Cork-Midleton line and the first phases 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 and Cherrywood extensions have opened and City West is due to open in quarter 2 this year.
- The Irish Rail fleet has been renewed and over 500 buses have been purchased.

Due to the changed economic circumstances, resulting in reduced capital allocations for transport investment over the coming years, it will now not be possible to complete all of the remaining projects originally identified in Transport 21 by 2015. However to date no projects have been cancelled and planning and design will continue so that projects can commence as funding becomes available. The National Recovery Plan sets out the revised capital allocations for transport for the next 4 years, totalling over €4.8 billion.

*Question No. 69 answered with Question No. 62.*

### Cycle Facilities

70. **Deputy Michael D. Higgins** asked the Minister for Transport if his attention has been drawn to the success of the Dublin bike scheme; if he recognises its potential for expansion; his plans to encourage the introduction of the bike scheme into other cities; and if he will make a statement on the matter. [2248/11]

**Minister of State at the Department of Transport (Deputy Ciarán Cuffe):** I am aware of the success of the Dublin Bike Scheme and would welcome its further expansion, both in Dublin, and as similar schemes in other urban areas. Dublin City Council was responsible for the introduction of the Dublin Bike Scheme and introduction of similar schemes in other areas would be a matter for the local authorities concerned.

*Question No. 71 answered with Question No. 64.*

### EU Directives

72. **Deputy Joan Burton** asked the Minister for Transport his assessment of the rejection, by the European Parliament in June 2010, of the EU commission proposals to amend EU Directive 2002/15/BC concerning the working time of truck drivers; if he plans to apply the directive to self-employed drivers; his plans to amend Statutory Instrument 2/2005 in accordance with the EU decision; and if he will make a statement on the matter. [2240/11]

**Minister for Transport (Deputy Noel Dempsey):** The recent decision by the European Parliament to reject the jointly agreed position of the European Commission and Member States concerning the application of the Working Time Directive to self-employed mobile transport workers required all Member States to re-assess the legislative framework governing working time in this area. In Ireland's case, a draft Statutory Instrument recasting S.I. 2 of 2005 that will implement this decision has been drawn up in conjunction with the Road Safety Authority. The Department is currently consulting with the European Commission regarding practical enforcement issues arising across Member States, with a view to ensuring that Ireland's legislation will reflect best practice across the EU. Following the outcome of that consultation with the Commission, I will move quickly to legislate in this area.

### Transport Infrastructure

73. **Deputy Eamon Gilmore** asked the Minister for Transport if he will put together a transport or business plan to make Shannon Airport and Foynes seaport hubs for international transport involving the distribution of international cargo to EU countries. [2246/11]

**Minister for Transport (Deputy Noel Dempsey):** The updated Mid-West Regional Planning Guidelines list as an objective the completion of a Strategic Integrated Framework Plan for the Shannon Estuary which among other things would identify suitable areas for economic growth and development in the estuary. Shannon Foynes Port Company is committed to working with all relevant stakeholders in seeking to maximise the potential offered by its location on one of the country's best deepwater locations. The Company has recently established a branded website [www.shannonestuary.ie](http://www.shannonestuary.ie), which advocates the development of the area as a global deepwater shipping resource. The Company continues to work closely with development agencies at both a national and regional level in seeking further potential commercial opportunities.

[Deputy Noel Dempsey.]

Additionally the Port Company, together with the Irish Development Agency, the Sustainable Energy Authority of Ireland and Shannon Development, has developed the concept of promoting Shannon Estuary as Europe's Ocean Energy hub. This concept offers considerable potential that will benefit both the Shannon region and the national economy in general. The position in relation to Shannon Airport is that in 2009 the Dublin Airport Authority concluded a memorandum of understanding with the Lynx Group, a global airport cargo facility company, to explore jointly the feasibility of developing a major cargo facility at Shannon Airport.

The DAA has undertaken an evaluation of the business case for the project and is in active discussions with the Lynx Group on this proposal. Consideration of the best way to support the project will take account of the extent of potential investment by the DAA on foot of its evaluation of the business case and any support that could be provided by the State subject to compliance with EU state aid rules. I will be happy to bring the Deputy's suggestion to the attention of the Shannon Foynes Port Company and the DAA.

### **Public Service Agreements**

74. **Deputy Kathleen Lynch** asked the Minister for Transport the manner in which he is implementing the Croke Park agreement; and if he will make a statement on the matter. [2253/11]

**Minister for Transport (Deputy Noel Dempsey):** Progress on the Transport Sector Public Service Agreement Action Plans 2010-2014 was submitted to the Public Service Implementation Body on 6th January 2011. The plans identify progress on the actions specific to my Department and for each Non-Commercial State Agency under my remit. Six actions have been completed on schedule at end December 2010 and good progress is being made on 2011 targets.

My Department and agencies engaged with staff and their unions on the action plan. In my own Department's case it utilised an on-line staff suggestion scheme, as a result of which a number of practical ideas for cost savings and efficiencies are being assessed for implementation. A monitoring and progress reporting structure has been put in place.

A Departmental Working Group has been established to review and monitor the Action Plan throughout the life of the Agreement. Quarterly meetings are held between the Management Board of my Department and the CEOs (and their equivalents) of the agencies, with the next meeting scheduled for Wednesday 19th January 2011. In addition a working group containing representation from the agencies meet on a monthly basis to monitor and report progress on the specific action items. Copies of the Action Plans are published on the Department's and the Agencies' websites.

### **Cycle Facilities**

75. **Deputy Joe Costello** asked the Minister for Transport his plans for 10% of commuter travel to be made by bicycle by 2020 throughout the country; the national percentage at present; the percentage of travel by bicycle he expects in Dublin and other cities in 2020; the percentage at present; and if he will make a statement on the matter. [2245/11]

**Minister of State at the Department of Transport (Deputy Ciarán Cuffe):** Both Smarter Travel — A Sustainable Transport Future and the National Cycle Policy Framework set out Government policy for cycling, with the overall objective of developing a culture of cycling in Ireland to the extent that by 2020, 10% of all trips will be by bike. The most recent census

data available indicated a 2% national modal share for cycling in 2006. Dublin City Council's May 2010 City Centre Cycle Count (which is not directly comparable to census data) indicated that bikes made up almost 5% of traffic in the area surveyed (an increase of 18.9% over the previous year). While this is encouraging, further significant increases in cycling numbers will be required in Dublin and other urban areas, if the national target of 10% of all trips by bike by 2020 is to be achieved. My Department has commissioned a pilot National Transport Survey, through the Central Statistics Office, which should, when completed, provide a reliable measure of cycling use for transport purposes.

*Question No. 76 answered with Question No. 60.*

### Port Development

77. **Deputy Brian O'Shea** asked the Minister for Transport his policy for the operation of seaports here; the reason there is no mention of such a policy in Transport 21 2005-2015; and if he will make a statement on the matter. [2256/11]

**Minister for Transport (Deputy Noel Dempsey):** Policy in relation to the State's commercial seaports is outlined in the Ports Policy Statement, which was published in 2005. In September 2010 I announced a public consultation period on a review of current policy and the consultation document is available on my Department's website; [www.transport.ie](http://www.transport.ie). The public consultation period has now concluded and my Department is considering the submissions received. Current policy is that the State's ports, which operate as commercial entities, are expected to fund all capital investments without recourse to the Exchequer. It is on this basis that no funding is provided for port infrastructure under Transport 21.

### Departmental Agencies

78. **Deputy Ruairí Quinn** asked the Minister for Transport the number of agencies and bodies under his jurisdiction; the budget for each in 2010; the number of boards and the number of board members; the number of persons he has appointed to each board in each year since 2007; and if he will make a statement on the matter. [2263/11]

**Minister for Transport (Deputy Noel Dempsey):** There are currently 31 State Agencies under the remit of my Department, including five Harbour Authorities under the Harbours Act 1946. In 2010 the Department provided the following allocations towards the general administrative expenses of the following agencies:

• Railway Procurement Agency	€10,144,000
• Railway Safety Commission	€1,000,000
• National Roads Authority	€14,496,000
• National Transport Authority	€3,712,000
• Road Safety Authority	€26,546,000
• Medical Bureau of Road Safety	€4,357,000
• Marine Casualty Investigation Board	€376,000

There are currently 30 Boards under the remit of my Department consisting of 273 members in total. The information requested by the Deputy regarding the number of persons I have appointed to each board in each year since 2007 is attached in tabular form.



[Deputy Noel Dempsey.]

## Board Appointments 2007-2010

Body	Appointments			
	2007	2008	2009	2010
Advisory Council to the Commission for Taxi Regulation	4	0	5	17
Arklow Harbour Commissioners	0	0	2	0
Baltimore & Skibereen Harbour Commissioners	0	0	5	0
Bantry bay Harbour Commissioners	0	0	3	0
Bus Átha Cliath	6	6	8	1
Bus Éireann	5	5	5	2
Cork Airport Authority	6	9	8	2
Drogheda Port Company	4	2	0	2
Dublin Airport Authority	0	3	11	0
Dublin Port Company	8	0	1	1
Dublin Transportation Office	1	16	0	0
Dun Laoghaire Harbour Company	9	0	1	0
Dundalk Port Company	10	0	0	0
Galway Harbour Company	7	1	1	0
Íarnród Éireann	7	4	8	1
Irish Aviation Authority	1	2	3	2
Kinsale Harbour Commissioners	0	0	3	0
Marine Casualty Investigation Board	3	1	0	0
Medical Bureau of Road Safety	1	0	4	0
National Roads Authority	4	2	3	2
National Transport Authority	0	0	7	4
New Ross Port Company	5	0	1	1
Port of Cork Company	8	0	0	0
Port of Waterford Company	0	0	6	1
Railway Procurement Agency	5	0	0	1
Railway Safety Advisory Council	13	0	0	7
Shannon Airport Authority	5	5	11	2
Shannon Foynes Port Company	6	6	0	0
Tralee & Fenit Harbour Commissioners	0	0	3	0
Wicklow Port Company	9	0	0	0

**EU Directives**

79. **Deputy Pat Rabbitte** asked the Minister for Transport if his attention has been drawn to EU Directive 2010/40/EU, the new legal framework for the deployment of intelligent transport systems in the field of road transport across Europe and for interfaces with other modes of transport; the steps he is taking to implement this framework policy here; and if he will make a statement on the matter. [2265/11]

**Minister for Transport (Deputy Noel Dempsey):** Directive 2010/40/EU establishes a framework in support of the co-ordinated and coherent deployment and use of Intelligent Transport Systems (ITS) across Europe. It applies to ITS applications and services in the field of road transport and to their interfaces with other modes. The directive provides the European Commission with extensive powers to develop and adopt common specifications and standards for specific ITS services. The following ITS services are identified as initial priorities for the Commission's work:

- EU-wide real-time traffic information,

- EU-wide multimodal travel information,
- road safety related minimum universal traffic information,
- the accident notification concept eCall, and
- both information and reservation services for truck parking.

Deployments of the respective ITS services within a Member State must be undertaken in accordance with specifications adopted under delegated acts.

The directive entered into force on 27 August 2010 and Member States are required to transpose the directive by 27 February 2012. A working group, comprising representatives of Government Departments, State Agencies, An Garda Síochána, local authority representatives and the national ITS association is assisting my Department with preparing the draft legislation.

### **Traffic Calming Measures**

80. **Deputy Jack Wall** asked the Minister for Transport his policies for the introduction of a 40 kph speed limit to allow local authorities reduce speeds in view of the fact that the 30 kph speed limit is proving difficult to implement in certain zones. [2276/11]

**Minister for Transport (Deputy Noel Dempsey):** The Road Traffic Act 2010 amends section 9(2) of the Road Traffic Act 2004 by introducing a 40 km/h special speed limit in respect of a road or roads in accordance with guidelines issued by the Minister. The revised guidelines for the application of special speed limits are currently under preparation and expected to be published later this month. The 40km/h regulatory sign is also required to be included in the revised statutory instrument for Road Traffic (Signs) Regulations which are currently under revision with a proposed completion date of the second quarter of 2011. The relevant section of the 2010 Act will be commenced when these Regulations are in place.

*Question No. 81 answered with Question No. 61.*

### **Taxi Regulations**

82. **Deputy Seán Sherlock** asked the Minister for Transport when the office of the Taxi Regulator was transferred to the National Transport Authority, NTA; if the resources and funds of the office have also been transferred and will be at the disposal of the NTA; the way the office will now operate; and if he will make a statement on the matter. [2266/11]

**Minister for Transport (Deputy Noel Dempsey):** Under Statutory Instrument 614 of 2010, the Commission for Taxi Regulation (CTR) was dissolved at the request of the National Transport Authority (NTA) on 1 January 2011. From that date the CTR was subsumed into the NTA along with its staff and functions. The Commission's permanent staffing complement of twenty-three has transferred to the National Transport Authority but will remain at their Headquarters in 35 Fitzwilliam Square, Dublin 2. Fees in respect of the licensing of small public service vehicles, drivers and dispatch operators accrue to the Authority under Section 50 of the Taxi Regulation Act 2003 following the dissolution of the Commission for Taxi Regulation.

Discussions took place over a long period between the National Transport Authority and the former Commission on Taxi Regulation on the details of the assimilation process such as the integration of financial and Information Technology processes. This was vital to ensure an effective transition to the new institutional arrangements. With effect from 1st January, the National Transport Authority will 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

[Deputy Noel Dempsey.]

of a regulatory framework for the control and operation of small public service vehicles and their drivers.

### Public Transport

83. **Deputy David Stanton** asked the Minister for Transport his role in the development of public transport commuter services; and if he will make a statement on the matter. [2281/11]

**Minister for Transport (Deputy Noel Dempsey):** I and my Department provide the policy, legislative and funding framework for public transport in line with the Government's investment priorities. We also support the delivery of transport investment programmes and public transport services by the transport implementing agencies. I believe that the establishment of the National Transport Authority, based on its wide-ranging mandate under the provisions of the Dublin Transport Authority Act 2008 and the Public Transport Regulation Act 2009, offers significant opportunities to target appropriate investment in and funding of commuter services in the future.

Taking account of the constrained funding available under the current four-year budgetary framework, the focus of my Department and its agencies will be on gaining greater efficiencies from existing public transport and commuter services and systems and providing new infrastructure within available funding. Priority will also be given to planning and designing future developments within the financial constraints. As a result the aim will be to achieve commuter journey time savings and congestion reduction and thereby contribute to national competitiveness.

### Shipping Fleet

84. **Deputy Róisín Shortall** asked the Minister for Transport if he has any plans to establish an Irish shipping fleet; and if he will make a statement on the matter. [2268/11]

**Minister for Transport (Deputy Noel Dempsey):** Ireland has a merchant shipping fleet and the present fleet consists of some thirty ships, over 500 GT, with an average age of less than seven years. These ships are privately owned, except for those of the Marine Institute and the Commissioners of Irish Lights. The standard of ship flying the Irish flag is high and Irish ships are very well regarded internationally. Ireland is currently ranked in 8th position on the "White List" of the Paris Memorandum of Understanding (MoU), the main league table for shipping states.

The international maritime regulators are increasing the requirements for shipping and from the 1st of January 2011 the Paris MoU introduced a new inspection regime. Under this scheme in order for a ship to qualify as a "Low Risk" ship it must fly the flag of a State which is on the "White List" and which has completed the International Maritime Organisation's Audit. Ireland met both of these criteria by the deadline of 1 January 2011, and was one of only 22 States worldwide out of a possible 169 which complied.

This "Low-Risk" status has significant benefits for ships flying the Irish flag. Such ships will be subject to a significantly reduced inspection and regulatory burden. They will also benefit from advantages in the charter market where such status enhances the selection of ships and the charter rates. My policy is for Ireland to remain on the "White List" and to retain the "Low Risk" status. Therefore ships seeking to register must meet and maintain the required standards.

### Horse Drawn Carriages

85. **Deputy Joe Costello** asked the Minister for Transport if he will detail the operation of

the horse drawn jarvey transport system in each town and city in which it operates; the number of carriage drivers in the trade in each town or city; the method of regulation; and if he will make a statement on the matter. [2244/11]

**Minister for Transport (Deputy Noel Dempsey):** I have no role in the day-to-day regulation of horse drawn jarvey systems. However, I understand that some local authorities have made bye-laws relating to the control of horse drawn carriages. The relevant local authorities may be able to provide the detailed information sought by the Deputy.

### **Traffic Management**

86. **Deputy Joan Burton** asked the Minister for Transport when he plans to regulate the operation of rickshaws and pedal bike passenger carriers in Dublin; if he will establish a licensing and insurance regime for their operations; and if he will make a statement on the matter. [2241/11]

**Minister for Transport (Deputy Noel Dempsey):** I have no role with regard to the regulation of rickshaws or pedal bike passenger services.

*Question No. 87 answered with Question No. 64.*

### **Cycle Facilities**

88. **Deputy Liz McManus** asked the Minister for Transport the funding allocated for cycling routes here; the amount of money which was not spent; the reasons for same; the allocation for 2010; his plans to ensure that the allocation is spent in full; and if he will make a statement on the matter. [2254/11]

**Minister of State at the Department of Transport (Deputy Ciarán Cuffe):** My Department has allocated funding of some €22.5m projects relating to cycle routes, some of which are development projects relating for example to scoping studies. Expenditure in 2010 was €5.9 million compared with the €13.5 m originally estimated. The underspend was due to unavoidable delays on a number of major routes, and financial provision for such projects has been carried forward into this year.

*Question No. 89 answered with Question No. 60.*

*Question No. 90 answered with Question No. 64.*

*Question No. 91 answered with Question No. 60.*

### **Air Services**

92. **Deputy Liz McManus** asked the Minister for Transport his aviation policy; the reason there is no mention of an aviation policy in Transport 21 2005-2015; and if he will make a statement on the matter. [2255/11]

**Minister for Transport (Deputy Noel Dempsey):** My policy is to ensure that the aviation sector supports Ireland's economic and social goals in a safe, competitive, cost-effective and sustainable manner and to ensure maximum connectivity for Ireland with the rest of the world. In doing so now, the challenge is to ensure that Irish aviation is well positioned to take advantage of economic recovery. Regarding Transport 21 2005-2015, this is a capital investment framework. It provides for capital investment in road and public transport infrastructure and for investment in regional airports.

[Deputy Noel Dempsey.]

Transport 21 included a provision of €100 million to support capital investment under a Regional Airports Capital Expenditure Grant Scheme at the six regional airports. Following EU State aid clearance for the scheme and assessment of applications, in February 2007, the Government approved expenditure of €86m for specific projects at the airports. However, the current difficulties with the public finance have impacted on the roll out of the scheme and since July 2008, grant aid has been limited to those projects or project elements that were already contractually committed in July 2008 or urgently required safety work.

### **Transport Infrastructure**

93. **Deputy Jan O’Sullivan** asked the Minister for Transport the reason the ratio of capital investment between public transport and roads infrastructure remains skewed by a factor of 2.5:1 in the 2011 budget; and if he will make a statement on the matter. [2258/11]

**Minister for Transport (Deputy Noel Dempsey):** The Government committed in the National Recovery Plan to almost €5 billion investment in transport infrastructure over the next four years. This investment is continuing in line with the principles set out in the Government’s Infrastructure Investment Priorities published in July 2010. In this context, the focus of investment is increasingly shifting towards public transport and is reflected in the allocations towards roads and public transport provided in the 4-Year National Recovery Plan. While initial allocations to roads are skewed towards roads in 2011 and 2012 in order to fund the completion of the Major Inter Urban Routes and a number of remaining national roads projects of key strategic importance, it is planned that the level of investment in transport infrastructure will be greater for public transport than roads in 2013 and subsequent years.

### **Road Safety**

94. **Deputy Jan O’Sullivan** asked the Minister for Transport the number of deaths on the Irish roads in each month of 2010; if he is satisfied with the progress being made by the road safety strategy in this regard; and if he will make a statement on the matter. [2259/11]

**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 (RSA). Road fatalities and road collision statistics are available on the Road Safety Authority’s website [www.RSA.ie](http://www.RSA.ie). The core objective of the 2007-2012 Road Safety Strategy, with its 126 Actions spread across the areas of Education, Enforcement, Engineering and Evaluation, is to reduce road deaths to no greater than 60 fatalities per million population by the end of 2012. This is an average of 21 road deaths per month or 252 deaths per annum.

Under action 83 of the Strategy the RSA is tasked with reporting on the 126 actions in the Strategy. Their report on the implementation of the actions for 2009 show that of the 55 actions to be completed in 2009, 39 were completed in full and on time, a further 8 actions are nearing completion or completed outside of the target date and the remaining 8 actions are incomplete. The report on the actions for completion in 2010 will be submitted to me later this year.

However, 2010 saw the lowest number of road deaths on record at 212, an average of 18 road deaths per month. While the core objective has been reached ahead of its target date, we must now concentrate our efforts in ensuring that the figure is not exceeded for each of the remaining years of the Strategy.

### **Departmental Agencies**

95. **Deputy Seán Sherlock** asked the Minister for Transport if he plans to reduce the number of quangos in his Department; and if he will make a statement on the matter. [2267/11]

**Minister for Transport (Deputy Noel Dempsey):** There are currently 31 State Agencies under the remit of my Department, including five Harbour Authorities under the Harbours Act 1946. All of these perform a range of important transport functions. I am taking a number of measures to rationalise and improve the effectiveness of these agencies.

The Commission for Taxi Regulation was subsumed into the National Transport Authority on 1st January 2011. The Dublin Transportation Office had earlier been subsumed into the Authority in 2009. I am currently transferring responsibility for the Harbour Authorities to Local Authorities. A number have already been transferred. I expect that further transfers will take place in 2011. In line with the McCarthy Report proposals, I have decided to merge the National Roads Authority and the Railway Procurement Agency. This will be progressed during 2011.

It is also my intention to amalgamate the Commission for Aviation Regulation and the regulatory functions of the Irish Aviation Authority with the National Transport Authority. The net effect will be that the number of State Agencies under the remit of my Department will be reduced substantially and in a manner that will ensure the enhanced efficiency in the delivery of transport services.

### Ministerial Appointments

96. **Deputy Leo Varadkar** asked the Taoiseach if he will list all appointments made by him between 14 December 2010 and 13 January 2011 to State boards, agencies, quangos, bodies, authorities and other bodies within the aegis of his Department; the person appointed in each such case; the remuneration associated with the position; the selection process employed; and if he will make a statement on the matter. [2489/11]

**The Taoiseach:** I did not make any appointments to State boards, agencies, quangos, bodies, or authorities within the aegis of my Department between 14 December 2010 and 13 January 2011.

### Ministerial Staff

97. **Deputy Lucinda Creighton** asked the Taoiseach the name of each non-Civil Service adviser employed by him in the years 2009, 2010 and to date in 2011; each adviser's salary, expenses claims and job title in each year; and if he will make a statement on the matter. [2667/11]

**The Taoiseach:** The information requested by the Deputy is set out in the table.

Name	Title	Annual Salary applicable 2009	Expenses Claimed 2009	Annual Salary applicable 2010	Expenses Claimed 2010	Annual Salary applicable 2011	Expenses Claimed 2011
		€	€	€		€	€
<sup>1</sup> Oliver O'Connor	Special Adviser	177,547.00	0	156,241.00	0	0	0
Brian Murphy	Special Adviser	137,737.00	0	132,687.00	0	132,687.00	0
<sup>2</sup> Declan Ryan	Special Adviser	97,109.00	0	92,672.00	0	0	0
Peter Clinch	Special Adviser	213,092.00	347.12	181,243.00	1,882.41	181,243.00	0
Padraig Slyne	Special Adviser	100,392.00	0	96,295.00	0	96,295.00	0
<sup>3</sup> Deirdre Gillane	Special Adviser	0	0	95,550.00	0	98,424.00	0

<sup>1</sup>Oliver O'Connor left the Department on 15/9/2010.

<sup>2</sup>Declan Ryan left the Department on 14/5/2010.

<sup>3</sup>Deirdre Gillane started in the Department on 31/5/2010.

[The Taoiseach.]

In addition to the Special Advisers listed in the table above, I have 2 Special Advisers who are civil servants on secondment to my Department.

### Official Travel

98. **Deputy Lucinda Creighton** asked the Taoiseach if he will provide details of any foreign trips made by him in the year 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the exact mode of ground transportation used; the name of each hotel and the nature of the entertainment for which the expenses were incurred; and if he will make a statement on the matter. [2682/11]

**The Taoiseach:** The table below details all foreign travel by me from 1st January 2010 to date. Costs in respect of the Government Jet are not included as they are paid by the Department of Defence.

---

Costs of Foreign Travel from 1st January 2010 to date

---

*14 January — Meeting with Prime Minister Brown, London*

Mode of Travel	Government Jet
Car Hire	€370.45

*25 January 2010 — Meeting with Prime Minister Brown, London*

Mode of Travel	Government Jet
Car Hire	€529.22

*11 February — European Council, Brussels*

Mode of Travel	Government Jet
Car Hire	€337.50

*12-18 March — St Patrick's Day Programme, USA*

Mode of Travel	Government Jet
Air Ticket/ Cancellation Charge	€164.06
Car Hire	€10,616.12
Name of Hotel	Hilton Hotel, Chicago Four Seasons Hotel, San Francisco St Regis Hotel, Washington
Cost of Hotels	€1,684.87
Nature of entertainment expenses	Lunch with Members of the Ireland America Economic Advisory Board / Porterage charges
Total cost of Entertainment expenses	€2,704.04

*25-26 March — European Council Brussels*

Mode of Travel	Government Jet
Car Hire	€1,315.00
Name of Hotel	Radisson Blu
Cost of Hotel	€500.00

---

 Costs of Foreign Travel from 1st January 2010 to date
 

---

 7 May — Meeting of Heads of State or Government of the Euro Area, Brussels
 

---

Mode of Travel	Government Jet
Car Hire	€312.50

 17-18 May — E.U. Latin American & Caribbean Summit and bilateral meetings, Madrid
 

---

Mode of Travel	Government Jet
Name of Hotel	Hotel Hesperia
Cost of Hotel	€211.86

 17 June — European Council, Brussels
 

---

Mode of Travel	Government Jet
Car Hire	€682.50
Name of Hotel	Radisson Blu
Cost of Hotels (Cancellation charges)	€217.00

 23 June — Meeting with Prime Minister Cameron, London
 

---

Mode of Travel	Government Jet
----------------	----------------

 25 June — British-Irish Council Summit, Guernsey
 

---

Mode of Travel	Government Jet
----------------	----------------

 11-15 July — Official trip to New York/Atlanta
 

---

Mode of Travel	Government Jet
Car Hire	€9,218.90
Name of Hotel	Fitzpatrick's Hotel, New York Carlton Hotel, Atlanta
Cost of Hotels	€838.39
Nature of entertainment expenses	Dinner to mark the opening of the new Irish Consul Generalate in Atlanta (14 guests in total )
Entertainment expenses	€935.88

 16 September — European Council, Brussels
 

---

Mode of Travel	Government Jet
Car Hire	€657.50

 4-5 October — ASEM VIII Summit and bilateral meetings, Brussels
 

---

Mode of Travel	Government Jet
----------------	----------------

 28 -29 October — European Council, Brussels
 

---

Mode of Travel	Government Jet
----------------	----------------

 13 December — British-Irish Council Summit, Isle of Man
 

---

Mode of Travel	Government Jet
----------------	----------------

 16-17 December — European Council, Brussels
 

---

Mode of Travel	Government Jet
----------------	----------------

---

99. **Deputy Lucinda Creighton** asked the Taoiseach if he will provide details of any foreign trips made by officials in his Department in the years 2009, 2010 and to date in 2011; the



[Deputy Lucinda Creighton.]

purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of the entertainment for which expenses were incurred; and if he will make a statement on the matter. [2697/11]

**The Taoiseach:** There were a total of 157 foreign trips made by officials in my Department. The breakdown requested by the Deputy is not readily available. The table details the total cost of foreign trips made by the Taoiseach, Ministers of State and officials in my Department from 1st January 2009 to date.

Foreign Travel Costs	2009	2010	2011
	€	€	€
Air Travel*	115,354.11	56,036.00	0
Hotel Costs	87,262.45	36,561.75	190.49
Taxi	1,489.08	950.57	0
Car Hire	48,721.14	29,178.85	0
Rail/Train	366.98	2,636.92	0
Ferry	0	686.00	0
Other receipted expenditure	2,341.40	6,894.12	0

\*Excluding the cost of the Government Jet which is met by the Department of Defence.

100. **Deputy Lucinda Creighton** asked the Taoiseach if he will provide details of hotel accommodation used by him within the State while on ministerial duties in the years 2009, 2010 and to date in 2011; the name of each hotel in which he stayed; the costs associated with each stay and the purpose of each trip; and if he will make a statement on the matter. [2727/11]

**The Taoiseach:** The table below details hotel accommodation within the State used by me on official duties during the years 2009 to date.

Date	Name of Hotel	Purpose of Trip	Cost
18 March 2009	Park Inn, Shannon Airport	Return flight from Washington to Baldonnel was diverted to Shannon Airport at 12.30am due to weather conditions.	€101.23

101. **Deputy Lucinda Creighton** asked the Taoiseach if he will provide details of any foreign trips made by officials in public bodies under the remit of his Department in the years 2009, 2010 and to date in 2011, the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of entertainment for which expenses were incurred; and if he will make a statement on the matter. [2742/11]

**The Taoiseach:** The table below details foreign trips made by official in programmes and bodies under the aegis of my Department from 1st January 2009 to date.

## Law Reform Commission

Date	Purpose of Journey	Flight	Hotel Cost	Hotel Name	Public Transport/ Taxis
2009					
Jan	2 Officials attended End of Life Decision Making: Dilemmas and Directions, Legal Research in Birmingham	€135.92	Nil	Nil	€123.21
May	1 Official attended Trier-Cross Border mediation conference in Luxembourg for Legal Research	€254.10	€396.00	Park Plaza Trier	Nil
2010					
April	1 Official attended The Fourth Conference of the Commission on European Family Law: the Future of Family Property in Europe, in Cambridge	€160.96	€114.50		€11.80
June	2 Officials attended “5 Jurisdictions Meeting” in London for meeting of 5 Law Reform Commissions	€862.08	£546.39	Bloomsbury Hotel	Nil
July	1 Official attended “Meeting of the European Forum of Official Gazettes” in Rome	€166.00	€259	Nazionale Hotel	Nil

## Irish Newfoundland Partnership

Year	Purpose	Air travel costs	Hotel	Taxis	Entertainment Expenses
March 2009	1 official INP meetings in St. John's, Newfoundland and planning meetings regarding the official opening of Irish exhibition in The Rooms	€3,331.59	Sheraton Hotel €913.06	€104.84	€357.54
May 2009	1 official INP meetings in St. John's, Newfoundland	€1,014.06	€0	€45.89	€0
September 2009	3 officials INP meetings in St. John's and official opening of Irish exhibition in The Rooms	€2,597.23	Sheraton Hotel €1,464.04	€140.96 (2 officials)	€0

## National Forum on Europe

Year	Purpose	Air travel costs
May 2009	Meeting in Brussels	€158.84

## NESDO

The National Economic and Social Development Office (NESDO) comes under the aegis of my Department. The information sought is contained in the following tabular statement. Air travel in all cases was by way of commercial airlines. The total cost of foreign trips in 2009 was €8,644.57 and in 2010 was €4,408.06. There have been no foreign trips made by officials of NESDO so far in 2011.

It was not possible in the time available to capture all the detail requested by the deputy, as some of it applies to two former constituent bodies of NESDO, the National Economic and Social Forum (NESF) and the National Centre for Partnership and Performance (NCP) which were discontinued on 1 April 2010. I will communicate with the deputy when the complete information is available.

Date	Purpose of Journey	Flights	Hotel Cost	Hotel Name	Taxis	Other
		€	€		€	€
Apr-09	Berlin Work in Net Conference	223.05			14.50	
Apr-09	East Midlands Hospital of the Future Meeting with Peter Totterdell	83.69	265.09	Hotel Izaak		
May-09	Boston, Harvard, Women's Leadership Board	2,216.40	880.00	Charles Hotel Boston		
2009	Speaker Helsinki University of Technology	443.76			96.50	
May-09	London (Details on purpose of journey to follow)	118.81			37.24	
Jun-09	Brussels/Maastricht, Symposium on Health Care Reform	240.74	Hotel Costs paid by third party and claimed from NCPP	Hotel Mabi		
Jun-09	Amsterdam Institute for Advanced labour Studies	Details to follow	Details to follow	Details to follow	62.70	81.4
Jun-09	Sofia, ESC AGM of the Secretary Generals	527.92	178.00	Grand Hotel, Sofia	83.50	11.95
Aug-09	Copenhagen to Oslo to Dublin (Details of purpose of journey to follow)	479.87	169.37	Hotel Bristol, Oslo	56.90	13.68
Aug-09	Boston, Harvard, Womens Leadership Board	1,443.19	Details to follow	Charles Hotel Boston	58.90	
Aug-09	Amsterdam International Summer School	157.02	Hotel paid for by Host organisation			
Sep-09	Conference Liege re Europe Report	166.48	178.00	Ramada Plaza, Liege	92.70	
Oct-09	Budapest /Sofia Conference — Details to follow	200.51	Details to follow	Details to follow	62.70	
Mar-10	London, International Strategy Workshop at the Institute for Govt	193.55	441.11	Details to follow	87.88	7.49
Apr-10	Nottingham, Project Workshop for Hospital of the Future Project	83.69	265.09	Izaak Walton Hotel,		
May-10	Speaking at conference in Cornell University	526.25	1,277.94	Fitzparticks, Manhattan		
May-10	European Social Council Meeting Madrid	158.09	342.40	Hotel NH Nacional		51.19
Sep-10	Brussels European Social Council	654.98	257.00	Details to follow	61.40	

### Cabinet Sub-Committees

102. **Deputy Lucinda Creighton** asked the Taoiseach if he will name all Cabinet sub-committees in operation here in the years 2009 and to date in 2011; and the number of times each committee has met in 2009 and to date in 2011. [2747/11]

**The Taoiseach:** The names of the Cabinet Committees in operation in 2009 and the number of meetings held in 2009 are set out in the table below. No Cabinet Committee meetings have been held to date in 2011.

Cabinet Committee	Number of meetings in 2009
Economic Renewal and Jobs	12
Science Technology and Innovation(subsumed into Economic Renewal and Jobs in June 2010)	1
Health	8
Social Inclusion, Children & Integration	2
Irish and the Gaeltacht	3
Transforming Public Services	7
Climate Change and Energy Security	2
European Affairs	6
Aspects of International Human Rights	2

### Charities Regulation

103. **Deputy Finian McGrath** asked the Taoiseach if he will examine and support a matter (details supplied). [3026/11]

**The Taoiseach:** The Minister for Community, Equality and Gaeltacht Affairs is responsible for the regulation of charities in Ireland. Detailed questions in relation to the amount of funding provided to charities, from the State or from other sources, should be addressed to him.

### FÁS Training Programmes

104. **Deputy David Stanton** asked the Tánaiste and Minister for Education and Skills the number of inquiries currently taking place pertaining to certification of courses relating to FÁS; the bodies or persons carrying out any such investigations; when she expects any such investigations to be complete; and if she will make a statement on the matter. [2024/11]

**Minister of State at the Department of Education and Skills (Deputy Seán Haughey):** FETAC is currently conducting an examination of the processes underpinning the requesting of certificates by FÁS from FETAC. It is doing so with the full co-operation of FÁS. The examination commenced in November and is expected to be completed shortly.

### School Accommodation

105. **Deputy Olivia Mitchell** asked the Tánaiste and Minister for Education and Skills if she will confirm in writing the verbal commitment given by her Department to fund the rent for a property at a location (details supplied) to provide the urgently required replacement school; and if she will make a statement on the matter. [2049/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I wish to clarify for the Deputy that my Department advised the school authority in August 2010 that it was

[Deputy Mary Coughlan.]

not in a position to grant aid the relocation of the school in question to another property. In reaching this decision, my Department considered the costs associated with a relocation together with the fact that a building project is being advanced which will provide a permanent solution for the long term accommodation needs of the school.

My Department did, however, agree to consider any reasonable proposal submitted by the school authority to provide improved accommodation in the interim. In this regard, an improved rental quotation for the property in question was submitted by the school authority. This new proposal is currently being assessed and a decision will be conveyed to the school authority in due course.

The Deputy will be aware that a new school building is being provided for the school in question. I am pleased to advise the Deputy that my Department expects to commence the tender process for the appointment of a Design Team for the project in the near future. My officials will be in contact with the school authority in this regard at that point.

### **Special Educational Needs**

106. **Deputy David Stanton** asked the Tánaiste and Minister for Education and Skills the number of children currently enrolled in autism spectrum disorder special schools and the average unit cost per child per annum to the State in special schools; and if she will make a statement on the matter. [2074/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** My Department is committed to ensuring that all children including those with special needs can have access to an education appropriate to their needs. This facilitates access to individualised education programmes, fully qualified professional teachers, special needs assistants and the appropriate school curriculum with the option, in line with each child's ability, of full/partial integration and interaction with other pupils. The cost of provision derives from a combination of factors and my Department focuses on delivering supports to schools to enable the schools provide an appropriate education to all children enrolled. The level of teacher posts, special needs assistant posts etc varies in line with the type of special educational need supported in each school. Different rates of capitation funding apply. Transport costs may vary depending on the location of the school. Other contributing factors would include the cost of continuous professional development or new school buildings and so on. Accordingly, it is not possible to calculate a single per unit cost that reflects the level of investment in special schools generally.

However, in general, over €1 billion was allocated in supporting special educational provision last year. There are now in excess of 20,000 adults in our schools working solely with pupils with special needs. This includes over 10,000 special needs assistants; over 9,000 resource and learning support teachers employed in mainstream schools; over 500 teachers in special classes and over 1,100 special school teachers. I have arranged for officials in my Department to forward directly to the Deputy the number of children currently enrolled in special schools for children with autism.

### **Schools Building Projects**

107. **Deputy Phil Hogan** asked the Tánaiste and Minister for Education and Skills when a decision will issue on an application for the provision of an extension to a school (details supplied) in County Kilkenny; and if she will make a statement on the matter. [2085/11]

**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 funding for additional

accommodation. The application is currently being assessed and a decision will be conveyed to the school authority in due course.

### School Staffing

108. **Deputy Phil Hogan** asked the Tánaiste and Minister for Education and Skills the number of persons employed in the vocational education sector; and if she will make a statement on the matter. [2087/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** Currently approximately 10,458 whole time equivalent (wte) teaching posts and 754 SNA (wte) posts are allocated to VEC schools. In addition, as of 31st March 2010, the most recent date for which full figures are available, there were approximately 2,042 WTE non-teaching posts in the VEC sector funded from my Department's pay budget. The Deputy should note that approximately half of these posts are occupied by staff undertaking maintenance or administrative duties in schools.

### Higher Education Grants

109. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Education and Skills when a vocational education committee appeal following refusal of a higher education grant will be awarded to a person (details supplied) in County Waterford; and if she will make a statement on the matter. [2088/11]

**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 Patronage

110. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills if she has received a copy of a draft position paper by an organisation (details supplied) regarding the lack of appropriate provisions for the rights of non-religious parents and students to be respected; if she has issued a formal response to this document; if she has made a submission to the Irish Human Rights Commission which is currently writing a report on the place of religion in education from a human rights perspective having regard to the observations made by the United Nations Human Rights Committee on Ireland; and if she will make a statement on the matter. [2110/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I have not received a copy of the draft position paper by the organisation you mention. I understand that the document in question is a preliminary version of a submission which the organisation in question proposes to make to the Irish Human Rights Commission.

The Irish Human Rights Commission has issued a discussion paper which explores the place of religion in education from a human rights perspective. I understand that on the basis of the feedback received from individuals and organisation and further analysis, the Commission will make recommendations to the Government pursuant to Section 8(d) of the Human Rights

[Deputy Mary Coughlan.]

Commission Act 2000. As it will be a matter for Government to respond to these recommendations in due course, I as Minister have not made a submission to the Commission.

### Teaching Qualifications

111. **Deputy Paul Gogarty** asked the Tánaiste and Minister for Education and Skills if her attention has been drawn to the situation regarding the demise of a college (details supplied) in County Kilkenny and the impact this has had on students; if her further attention has been drawn to the fact that FETAC indicated to students undertaking the diploma in Montessori teaching that their course was protected as it is longer than three months and that learners currently enrolled on programmes lasting longer than three months may transfer to alternative providers operating in a similar field under protection for learners arrangements made by the provider as required under the Qualifications Act 1999 and FETAC will facilitate the transfer as soon as the relevant documentation becomes available; if she is further aware that FETAC has now indicated that it is not in a position to assist students in this regard; if such arrangements can now be made in view of the delay, inconvenience and uncertainty caused, which would have impacted on students making alternative arrangements; and if she will make a statement on the matter. [2117/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I am aware that the college the Deputy refers to is no longer offering courses and ceased trading in October 2010. Under the Qualifications (Education and Training) Act, 1999, FETAC-registered providers, delivering programmes of three months duration or more on a commercial and profit making basis, are required to have policy and procedures for the Protection for Learners, aimed at ensuring that there are adequate arrangements in place in the event of a provider ceasing operations. Such arrangements can include having an agreement in place with at least two other providers, to enable learners to transfer to continue their programmes should the provider cease operation.

The college referred to by the Deputy did not have protection for learners arrangements in place for this particular course. The course was structured as a series of six minor FETAC awards, each of which was less than three months in duration, although learners would have paid for the entire course in advance. When FETAC became aware that the course was being offered in this manner, it instructed the college to put protection for learners arrangements in place. The college failed to do this before it ceased trading.

Some 32 learners who had already completed assessments as part of the programme have returned their work to FETAC and it will be processed for certification. An additional 31 learners have not completed any assessments. FETAC has written to these learners advising them of other providers offering similar awards and is making all reasonable efforts to enable them to access a course.

### School Transport

112. **Deputy Billy Timmins** asked the Tánaiste and Minister for Education and Skills the position regarding school transport in respect of a person (details supplied); and if she will make a statement on the matter. [2118/11]

**Minister of State at the Department of Education and Skills (Deputy Seán Haughey):** Under the terms of my Department's Primary School Transport Scheme, pupils who reside 3.2 kilometres or more from, and are attending their nearest suitable national school, as determined by my Department, are eligible for free school transport. The pupil referred to by the Deputy,

in the details supplied, is not attending his nearest national school and is therefore not eligible for school transport. However, Bus Éireann, which operates the school transport schemes on behalf of my Department, has advised that this pupil was incorrectly categorised as eligible for the 2009/2010 school year and availed of a free school transport service. Under the circumstances, my Department, as an exceptional measure, has sanctioned the continuation of free transport for this pupil for the 2010/2011 school year.

It is open to pupils who are not attending their nearest school to apply for concessionary transport to the school which they are attending. Concessionary transport is offered subject to a number of terms and conditions, including the availability of spare seating on an existing service. In this regard, the parents of the pupil in question should liaise with their local Bus Éireann office.

### Schools Building Projects

113. **Deputy Seán Ó Fearghaíl** asked the Tánaiste and Minister for Education and Skills if, in view of the revised construction arrangements in place on a school building project (details supplied) in County Kildare, if she will indicate a realistic time frame for the completion and opening of the new school facility; and if she will make a statement on the matter. [2156/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The school referred to by the Deputy is included in the 2nd bundle of primary/post-primary projects being provided under my Department's PPP programme. The other schools in the bundle are Bantry Community College and Gaelscoil Bantry, Co. Cork, Abbeyfeale Community College, Co. Limerick, Wicklow Town Community College and Athboy Community School. The Macquarie Partnership for Ireland (MPFI) consortium was awarded the contract for the delivery of the 6 schools in early June 2010 and construction works commenced immediately. Under the contract all schools are due to be completed in late 2011 and it is envisaged that all schools will be delivered as per contract.

### School Staffing

114. **Deputy Seán Ó Fearghaíl** asked the Tánaiste and Minister for Education and Skills when a new principal at a new amalgamated school (details supplied) will take up position; and if she will make a statement on the matter. [2157/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The recruitment and appointment of the Principal at the school referred to by the Deputy is the responsibility of its Board of Management. My Department has given its approval for this post of Principal to be filled from 1 February 2011.

### Departmental Properties

115. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills the addresses and cost per annum of all premises that are rented or leased by the vocational education committees including those used for the purposes of Youthreach, vocational training opportunities scheme and Traveller training centres; the estimated remaining length of each lease in respect of each building; and if she will make a statement on the matter. [2185/11]

**Minister of State at the Department of Education and Skills (Deputy Seán Haughey):** My Department is compiling the information requested by the Deputy and will respond directly to the Deputy when this information is to hand.



### School Staffing

116. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills the current arrangements regarding supervision and substitution in primary and second level schools; the level of funding allocated to supervision and substitution in 2010; and if she will make a statement on the matter. [2186/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** Details of the Supervision and Substitution scheme for primary and second level schools are set out in the attached Circulars, P29/03 and PPT01/03. The managerial authority of a school may employ a substitute to replace a teacher absent from teaching duty on an approved absence. Examples of absences for which substitution is allowed are certified illness, maternity and adoptive leave, in-service courses, carers' leave.

Changes to the substitution arrangements for absences on uncertified sick leave at primary and second level and official school business at second level were introduced from the 1st January, 2009 and they continue to apply. The changes are outlined in Circulars CL0110\_\_2008 and CL0115\_\_2008 which are attached. The costs for both the supervision & substitution scheme and substitution for approved absences are listed below.

*Post Primary teachers (excluding the VEC sector)*

1. Substitution Costs €57.619m; 2. Supervision Scheme €34.190m.

*Primary teachers*

1. Substitution Costs €100.9m; 2. Supervision Scheme €57.542m.

### Circular Letter 0110/2008

To: BOARDS OF MANAGEMENT OF POST-PRIMARY SCHOOLS AND THE CHIEF EXECUTIVE OFFICERS OF VOCATIONAL EDUCATION COMMITTEES

#### **Substitute cover for registered teachers employed in post-primary schools — Amendments to existing arrangements.**

As a result of the 2009 Budget provisions for Education, arising from current economic challenges, and following subsequent proposals from the management bodies of post-primary schools, new arrangements are being put into place for substitution cover for uncertified sick leave for teachers in post-primary schools and for official school business in post-primary schools.

These arrangements are being put in place with effect from 1 January 2009 and will remain in place for the remainder of the 2008/09 school year while a review of the supervision/substitution 37 hour scheme and related matters takes place.

#### **1. Allocation of Hours:**

Each post-primary school will be provided with a defined number of hours of substitution cover outside of the supervision and substitution scheme to provide cover for teacher absences arising from uncertified sick leave and official school business. This will be calculated on the basis of the number of pupils in a school with a minimum number of available hours for all schools with less than 100 pupils. Thus for the remainder of the school year 0.16 hours substitution cover will be allocated for each pupil in a school as per the school's recognised pupil enrolment

on the 30th September 2007. Examples are an allocation of 32 hours for a 200 pupil school and 64 hours for a 400 pupil school.

The allocation of substitution hours for secondary and community/comprehensive schools will be issued by the Teacher Allocation Section before the commencement of the new school term. It will be issued in an amended staffing allocation schedule and shall be titled “substitution”. The “substitution” allocation will not be taken into account in calculating Posts of Responsibility. The claims for substitution for uncertified sick leave and official school business should be made from the part time hours allocation on the On Line Claim System.

Allocations to VECs will be provided in the normal way and will be calculated on the same basis.

## **2. Substitution Cover for Other Absences.**

The existing arrangements for substitute cover for other absences of teachers from teaching duty will continue to apply.

## **3. Supervision/ Substitution Scheme.**

The supervision/ substitution scheme will continue to operate and teachers who undertake the duties in accordance with the terms of the scheme will continue to receive the annual payment. School managerial authorities are requested to ensure that the supervision substitution scheme is operated to maximum effectiveness in all schools.

P. Maloney,

Payroll Division,

December, 2008.

Primary Circular 29/03

### **DEPARTMENT OF EDUCATION AND SCIENCE**

#### **PRIMARY BRANCH**

#### **TO BOARDS OF MANAGEMENT, PRINCIPALS AND TEACHERS IN PRIMARY SCHOOLS**

#### **SUPERVISION FOR MID MORNING AND LUNCHTIME BREAKS**

#### **Introduction:**

The Minister for Education and Science wishes to advise Boards of Management, Principal teachers and teachers in primary schools of the arrangements regarding payment of supervision monies to primary school teachers.

#### **1. Duty of Care**

Rules 121(4) and 124(1) of the Rules for National Schools and Section 23(2) of the Education Act 1998 oblige teachers to take all reasonable precautions to ensure the safety of pupils and to participate in supervising pupils when the pupils are on school premises, during school time and/or on school activities. Accordingly, the responsibility of all teachers individually and collectively to provide a duty of care at all times towards the children in the school in which they teach, including periods of supervision, is not changed.

[Deputy Mary Coughlan.]

**The overall responsibility for the day-to-day management of school supervision will continue to rest with the Principal teacher. The terms of Circular 16/73 will continue to apply i.e. “the Principal teacher should organise supervision for the order and general behaviour of the pupils during school hours. In particular, s/he should organise and participate in the effective supervision of the pupils during breaks, lunch-breaks, assembly and dismissal”.**

## **2. Maximum number of hours supervision due to a school**

2.1 A school is entitled to 37 hours supervision per annum for each full-time teaching post (including temporary full-time teaching posts), or to a minimum of 122 hours per school, whichever is the greater.

This figure takes account of

- the nature of supervision at primary level
- the age range of pupils and
- guarantees the current levels of care and supervision

provided to all primary pupils.

**N.B.: A full-time temporary teaching post refers to a temporary teaching post sanctioned for a full school year.**

2.2 The number of full-time teaching posts allocated to a school on 30th September in a school year determines the number of hours supervision due to a school in that year. Example : If a school has 10 full time teaching posts on 30th September, a maximum of ten supervision payments of 37 hours each will be made to the school for the school year.

2.3 There are no circumstances where additional supervision monies can be paid to a school over and above the staffing allocation on 30th September.

2.4 Where there is a shared teaching post, this post is counted in the base school when calculating entitlement to supervision allocation.

## **3. Contract to undertake supervision**

3.1 A teacher undertaking supervision duties must sign a letter of contract with the Board of Management. Sample attached at Appendix A. The letter of contract must be certified by the Chairperson, Board of Management and retained in the school for at least six years.

Sample A: relates to teachers committing to undertake supervision duties of 37 hours per annum on an on-going pensionable basis to retirement.

Sample B: relates to teachers committing to provide 37 hours supervision for a full school year, but deferring decision regarding pensionability until 1 September, 2004.

Sample C: relates to newly appointed teachers opting to provide 37 hours supervision but deferring decision on pensionability for 1 year from the date of their first appointment.

#### **4. Roster for Supervision**

4.1 The Principal teacher should prepare the roster for supervision and, where possible, this should normally be drawn up before the start of the school year.

4.2 The roster should include arrangements for providing supervision for short-term absences of 28 days or less i.e. for teachers to swap days they are due to do supervision duties. It should be submitted to the Board of Management for approval and should be retained in the school for inspection by Department officials.

4.3 The roster should be posted in a prominent position within the school so that all teaching staff have access to it.

#### **5. Eligibility of Teachers to Undertake Supervision Duties and Receive Payment of Monies**

5.1 A permanent or long-term temporary teacher who undertakes supervision duties in a primary school must opt to provide a minimum of 37 hours supervision per school year in order to receive payment with salary from the Department. (For the purpose of this circular a long-term temporary teacher is a teacher employed under contract with a Board of Management for a full school year).

5.2 The Department will issue a grant to the Board of Management to facilitate payment to a teacher who opts to do less than 37 hours supervision per annum.

5.3 Job-sharing teachers may undertake supervision duties on their rostered teaching days and will receive annual payment with salary for a maximum of 18.5 hours supervision in a school year.

5.4 Permanent/temporary teachers in shared posts are paid for undertaking supervision duties. Local arrangements for carrying out the 37 hours supervision duties by the shared teacher should be made between the Boards of Management concerned. Supervision payment will issue with salary to the teacher at the base school.

5.5 A replacement teacher appointed in a permanent or long-term temporary capacity that commences or ceases employment with a Board of Management during the school year will receive payment with salary on a pro-rata basis for the period for which supervision was undertaken in the school.

5.6 If a teacher moves to a permanent post in another school s/he must sign a supervision contract with the new Board of Management in order to undertake supervision duties and to be eligible to receive payment of supervision monies at the new school. However, such an arrangement can only be entered into if the teacher is filling an existing vacancy in the school. Any additional posts allocated to a school after 30 September cannot be counted for supervision payments.

5.7 If a teacher is absent from a school on special leave under Rule 116 (Study Leave) a grant for supervision duties will be paid to the Board of Management for the period of the absence. It is a matter for the Board of Management to arrange payment for the person who undertakes supervision duties for the absent teacher.

[Deputy Mary Coughlan.]

5.8 The nature of certain teaching posts in primary schools, i.e. visiting teachers/teachers on secondment, does not allow for their availability to undertake supervision duties in the school. Consequently, no payments for supervision can issue to such teachers.

**Short-term absence: (28 days or less)**

5.9 Short-term absences (28 days or less) should be covered by local arrangements e.g. colleagues covering for each other, and Boards of Management should have a policy in relation to supervision for such absences. Where a temporary or substitute teacher employed to cover an absence of 28 days or less undertakes supervision duties payment for these duties will be made via a grant to the school. In the event that a substitute or temporary teacher is employed for a number of absences of four weeks or less, the substitute/temporary teacher cannot combine such separate days worked in order to receive supervision payment.

**Long-term absence:**

5.10 A permanent or long term temporary teacher absent in excess of 28 consecutive days on any type of leave during the school year, including absences before and after a holiday period, e.g. mid-term breaks, Christmas and Easter breaks (the holiday period is included when counting towards the absence), will be paid supervision monies on a pro rata basis i.e. they will not receive supervision monies for this absence. However, if the Board of Management certifies that full supervision duties were carried out in the school year by the absent teacher (i.e. 37 hours) then payment can be made. Examples of instances where such an absent teacher can fulfill the full 37 hours supervision include:

If another teacher in the school has opted out of supervision and there are hours available. In such an instance the grant due to issue to the school will be reduced accordingly; or

If a colleague covers for the absent teacher and the absent teacher then covers for the colleague on his/her return.

**In the latter instance, the temporary or substitute teacher employed to cover the absence in excess of 28 days should not be called to do supervision to replace the absent teacher and there are no circumstances in which a payment for supervision will be made for this substitute/temporary teacher.**

5.11 If a short-term temporary teacher employed for a period in excess of 28 consecutive days or a substitute teacher employed in excess of 4 consecutive weeks is called upon to do supervision duties, the payment for the absent teacher will be reduced accordingly and payment will issue with salary on a pro-rata basis to the short-term temporary teacher/substitute teacher.

**6. Payment of Grants to Schools**

**6.1 Schools where all teachers do not opt to undertake supervision duties**

In schools where a teacher(s) opts not to undertake supervision duties, the Department will issue a grant (equivalent to 37 hours for each teacher who opts out plus an additional payment of 10.75% to cover the employers rate of PRSI) to Boards of Management. This will enable Boards to pay other teachers in the school who undertake supervision duties in excess of 37 hours annually or to employ external supervisors (i.e. non teaching staff). Section 5.6 also refers.

## **6.2 1, 2 and 3 teacher schools**

In the case of 1, 2 and 3 teacher schools the standard payment (37 hours) will be made to each teacher undertaking supervision duties. A further grant will be payable to the Board of Management by the Department to facilitate the cost of external supervisors or any additional payments due to teaching staff as a consequence of working in excess of 37 hours supervision.

Based on an minimum entitlement of 122 supervision hours per school, grants will range as follows:

1 teacher school — 85 hours;

2 teacher school — 48 or 20 hours (see paragraph below in relation to 2 teacher schools) and

3 teacher school — 11 hours

### **One teacher schools:**

In one teacher schools the Board of Management may employ an external supervisor(s) to undertake supervision duties. This is to enable the Principal teacher to comply with the terms of 12.1 of the Organisation of Working Time Act (1997).

### **Two teacher schools:**

Each two-teacher school is entitled to 122 hours supervision.

Under present arrangements, the 2nd teacher in a two teacher school who is in receipt of the Special Duties Allowance as per Primary Circular 7/03 must undertake 28 hours of this supervision and is receiving payment for this in the special duties allowance. Consequently, the balance of supervision hours payable for such schools under the terms of this circular is 94 hours. If the 2nd teacher in a two teacher school is a Privileged Assistant or is in receipt of an allowance on a personal basis or is not in receipt of the special duties allowance, such teachers are not obliged to undertake supervision duties as per the terms of Primary Circular 27/02 (i.e. undertake 28 hours supervision).

### **Three teacher schools:**

Each teacher in a three-teacher school, who opts to do supervision duties will receive payment with salary for the 37 hours undertaken. A grant will issue to the Board of Management for the balance of supervision, i.e.11 hours, if all three teachers have undertaken the duties.

## **6.3 External Supervisors**

If the process of seeking volunteers from the teaching staff of the school to undertake supervision duties does not produce enough school based volunteers to cover the school supervision needs, the Board of Management may source and recruit personnel to provide supervision services, e.g non-teaching staff or external supervisors. Please see Primary Circular 18/03 in relation to the employment of such personnel.

The Board of Management will make payment for supervision duties undertaken by such personnel from grants provided by the Department which will be based on the balance or proportion of the balance of the schools' non-committed supervision hours.

[Deputy Mary Coughlan.]

## **6.4 Statutory Deductions**

Where a Board of Management makes payments to teachers/external personnel, responsibility for statutory deductions (tax, prsi) should be dealt with directly by the Board of Management with the relevant statutory bodies.

## **7. Pensionability of Monies paid to Teachers for Supervision**

7.1 Teachers, who are in pensionable service and who opt-in to supervision duties under a 37-hour per annum contract on an on-going basis to retirement, will have the supervision payment made pensionable, subject to the payment of contributions and the rules of the Superannuation Scheme.

7.2 In order for serving teachers to qualify for pensionability of supervision monies, they must opt in to supervision duties on or before the 1st September 2004. Teachers who are on authorised leave of absence (eg. Career break, secondment) and who are not in service in September 2004 will be given an option to opt in to supervision on a pensionable basis on their return.

7.3 Since the start of the 2002/2003 school year, newly qualified teachers in their first appointment, in order to qualify for pensionability, must opt in to supervision duties within twelve months of first appointment.

7.4 A teacher, who has opted to partake in the supervision duties, but later opts out, will forfeit pensionability (for supervision monies) and will not be allowed under any circumstances to re-enter such a commitment. The teacher will not, in such circumstances, be entitled to a refund of superannuation contributions paid in respect of supervision payments. The teacher must advise the Board of Management of his/her decision on or before the 30th June prior to the commencement of the next school year. The teacher may continue to provide supervision duties on a volunteer basis and receive grant payment from the Board of Management.

7.5 Where teachers make an ongoing commitment to supervise, the commencement date for pensionability shall be the 1st September 2001 in the case of serving teachers who delivered the appropriate supervision in each year since that date or the date of appointment in the case of new teachers who delivered appropriate service from that date. On entering the commitment teachers will be required to make the appropriate pension contribution with effect from these dates. Pension contributions effective from 1 September 2001 will be deducted from any supervision payment due to a teacher opting in to pensionability. Pension deductions will be made from the supervision payments for the 2003/2004 school year.

7.6 Any supervision duties undertaken for less than 37 hours duration or less than 18.5 hours in the case of job sharing teachers (other than where a teacher has been available throughout the school year to provide 37 hours supervision but where a Board of Management does not call on delivery of all the committed hours) or duties undertaken in excess of 37 hours in a school year are not pensionable.

## **8. Payment for the 2003/2004 school year**

8.1 Arrangements will be made to include payments with teachers' salary at the end of the current school year, pending receipt of certification of supervision duties undertaken from Boards of Management.

8.2 Payments to substitute teachers will issue as soon as possible thereafter.

8.3 In an effort to assist schools with the costs arising from the employment of external supervisors, arrangements will be made to pay grants to schools as soon as possible in 2004. However, in order for such arrangements to be put in place, schools must complete the enclosed form Supervision — 2003/04 (Teachers Who Have Opted Out Of Supervision Duties) and return it to the Department by Friday 12th December 2003.

This circular may be accessed on the Department of Education & Science website at [www.education.ie](http://www.education.ie). (Access through Education Personnel/Primary/Circulars & information booklets).

J. Bracken

Primary Branch.

November, 2003.

**Contract for Supervision Duties  
(full-time primary school teachers)**

**A**

I \_\_\_\_\_ hereby give a commitment to undertake supervision duties on a pensionable basis under a 37 hour per annum contract on an ongoing basis to retirement in accordance with the terms of Primary Circular 18/03. I understand that, should I cease to meet this commitment, pensionability will be forfeited and I will not be allowed to re-enter such a commitment.

*Or*

**B**

I \_\_\_\_\_ hereby give a commitment to undertake supervision duties under a 37 hour contract for the school year 2003 / 2004 in accordance with the terms of Primary Circular 18/03 but wish to defer a decision on pensionability until on or before 1 September 2004.

**Or**

**C**

I \_\_\_\_\_, have commenced teaching on and hereby give a commitment to undertake 37 hours supervision duties per annum in accordance with the terms of Primary Circular 18/03. I wish to defer decision on pensionability for 1 year.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(Teacher)

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(Chairperson, Board of Management)

Please retain with school records for a period of six years. This document should not be sent to the Department.



[Deputy Mary Coughlan.]

Circular Letter PPT01/03

**To: Management Authorities of second-level schools.**

- (i) Supervision of pupils during the morning and lunchtime breaks and before and after school**
- (ii) Extension of approved substitution to cover uncertified sick leave and Teachers' absences from class because of other approved school activities (e.g. games, competitions and other extra-curricular activities).**

**1. Introduction**

1.1 This Circular Letter replaces and supersedes Circular M 39/02. The Minister for Education and Science wishes to inform authorities of post-primary schools of the arrangements for the pensionability of supervision and substitution payments and restate and clarify the revised arrangements for supervision and substitution in second level schools. The purpose of this circular letter is:

- a) To advise schools regarding the new arrangements for paid supervision and substitution that will apply arising from agreement between the parties at the Teachers' Conciliation Council.**
- b) To set out the conditions that will apply to the pensionability of supervision and substitution payments.**
- c) To outline to schools the funding/payment arrangements that will apply**
- d) To confirm the extension of paid substitution**

**1.2 Context of the Agreement on paid Supervision and Substitution**

Teachers are routinely involved in supervision of pupils in their care as part of their contractual duty of care in a variety of situations. Supervision of pupils in classes under their control is an integral part of teachers' professional duties and the contracts of employment. This proposal relates to supervision of students during periods that are not assigned to any teacher and which had previously been provided by teachers on a voluntary basis.

The paid substitution element of this agreement is intended to cover situations where a suitable substitute is not immediately available. This has, up to the present, generally involved other members of the teaching staff substituting/supervising for their absent colleagues on a voluntary basis. It is this substitution that is intended to be provided under the new paid supervision and substitution arrangements.

While the scheme envisages that supervision and substitution will be provided by teachers, the circular letter also makes provision for the situation, which may pertain in those schools where teachers are not available to carry out this work.

The scheme, which applies to all post-primary schools, is outlined below. Detailed operational guidelines specific to the three different sectors (Community and Comprehensive, VEC and Voluntary secondary schools) may be circulated by the relevant management authorities following consultation with the relevant teacher unions. The Department may also issue further elaboration/clarification as required.

## **2. Basis of Scheme for Supervision and Substitution**

2.1 Schools will be allocated hours for supervision and substitution on the basis of 37 hours per whole-time teacher equivalent (WTE) per school year. The WTE figure used for the allocation of supervision and substitution hours will be based on the teacher allocation as on the 1st September each year to the school.

2.2 Hours will be allocated to VECs on the basis of the teacher allocation as on 1st September each year to the scheme.

2.3 Payment will be made in July of each year on the basis of certified delivery as provided in the scheme. The payment will be calculated by reference to the hourly rate, appropriately weighted to give proportionate effect to any increases in the rate in the school year ending on the 30th June preceding payment. It is intended that payment will be made through the normal payroll system on the basis of certification by the Principal or Board of Management/VEC in relation to the commitment entered into by each individual teacher and the actual hours delivered. Further discussions will be held with the parties on agreeing arrangements for an advance payment in December.

## **3. Contractual Arrangements for Teaching Staff**

3.1 Permanent, temporary and part-time teachers employed in the school may volunteer at the commencement of the school year for supervision and substitution duties over the course of the year. A copy of the contract for permanent whole-time teachers is attached as Appendix 1. Other contracts will issue in due course.

3.2 Whole-time volunteers will be required to contract to deliver a minimum of 37 hours supervision and substitution over the course of the school year. Part-time and job-sharing teachers who volunteer will be required to deliver supervision and substitution on a pro-rata basis. This will cover both the supervision and substitution requirements of the school as determined by the school authorities following a consultation process. In the event that the full allocation of hours available to the school is not exhausted by the volunteers on the basis of the minimum commitments, the additional hours may be distributed among the volunteers, or any number thereof, on a pro-rata basis or as agreed locally, subject to a maximum allocation of 49 hours per annum, in the case of whole-time teachers, not being exceeded. In addition to the maximum allocation of 49 hours per annum, a part-time teacher may commit to the difference between the annual contracted part-time teaching hours with the school/VEC and 735 hours.

3.3 The supervision and substitution contract will provide that volunteers, who are whole-time teachers, will not normally be required to provide more than 1 hour 30 minutes per week on the contracted duties in a given week. However, the contract will provide that a teacher may agree to undertake contracted duties for more than 1 hour 30 minutes in a particular week on the request of the Principal. Additional time worked in such circumstances will be reckoned towards the total annual commitment.

3.4 The system of extra and separate payment for both supervision and substitution is for service in addition to normal class contact hours. Payment for supervision duties may not be made for periods within assigned timetabled class periods. In applying the system of additional and separate payments for both supervision and substitution the practice of timetabling teachers for these duties within normal teaching hours should cease. Similarly direct delivery

[Deputy Mary Coughlan.]

of supervision and substitution duties should no longer form part of the duties of an Assistant Principal or Special Duties post.

3.5 On the basis of the contractual arrangements outlined above, teachers will qualify for additional annual payments, on the basis of an hourly rate of €37 w.e.f. 1 September 2002. Payment will be made on the basis of actual delivery. However, in the event that management does not demand delivery of the 37 contracted hours during the course of the school year, payment for the 37 hours contracted commitment will be made. Final payment on this basis will be made in July each year.

3.6 In the event of the allocation of hours to a school not being exhausted by the contractual arrangements the remaining hours may be used by the school to:

- (i) pay teachers in addition to their contractual arrangements in respect of any additional casual supervision and substitution they provide, or
- (ii) pay any other teacher, if no contracted teacher is available, to perform these duties on a casual basis.

#### **4. Operational Arrangements for Supervision/Substitution**

4.1 The Principal should consult with the volunteers in deciding on the timetable for supervision duties. Supervision duties should be timetabled over the course of the school year.

4.2 Residual hours available after the timetabling of supervision will be available for substitution. The specific arrangements for a substitution timetable should be made following consultation between management and teachers. The total time assigned to substitution and supervision may not exceed  $1\frac{1}{2}$  hours in any given week (save where otherwise agreed with the teacher). A commitment from teachers to be available for two timetabled class periods per week will form part of these arrangements.

Where, in any given week, a teacher is not called upon for substitution, the unmet commitment remains but is subject to a maximum delivery in any future week of  $1\frac{1}{2}$  hours within the two designated class periods (save where otherwise agreed with the teacher).

#### **5. Pensionability of Supervision and Substitution Payments**

5.1 Teachers who are in pensionable service and who give a commitment in writing to undertake supervision and substitution duties under a 37 hour contract on an ongoing basis to retirement will have the agreed payment made pensionable subject to the payment of contributions and the rules of the Superannuation Scheme. The pensionability of supervision and substitution payments for part-time teachers will be addressed in the context of the discussions on the Protection of Employees (Part-Time Work) Act 2001.

5.2 Serving teachers, in order to qualify for pensionability, shall make the necessary commitment on or before the 1st September 2004.

5.3 New teachers, in order to qualify for pensionability, shall make the necessary commitment within 12 months of first appointment. Details of teachers who have entered such a commitment should be notified to the Department of Education and Science in order that payment of the pension contribution can commence.

5.4 A teacher, who has entered such a commitment, but later ceases to meet the commitment, will forfeit pensionability and will not be allowed to re-enter such a commitment. The teacher will not, in such circumstances, be entitled to a refund of superannuation contributions paid in respect of supervision and substitution payments. Such teachers must advise their boards of management of their decision on or before the 30th June prior to the commencement of the relevant school year. However, this will not be a barrier to the provision of paid supervision and substitution on a casual basis.

5.5 Where teachers make an ongoing commitment, the commencement date for pensionability shall be the 1st September 2001 in the case of serving teachers who have delivered the appropriate service in each year since that date or the date of appointment in the case of new teachers. On entering the commitment teachers will be required to make the appropriate pension contribution with effect from these dates.

5.6 The pensionability of the supervision and substitution payment is restricted to the minimum commitment of 37 hours over the course of the year.

5.7 A teacher who is not entering a commitment to undertake supervision and substitution duties under a 37 hour contract on an ongoing basis to retirement may continue to provide supervision and substitution duties on a casual non-pensionable basis. Such teachers should advise their board of management of their availability on or before the 30th June preceding the next school year.

## **6. Supervision**

6.1 School management has a responsibility to discharge its duty of care to pupils and to provide adequate supervision of pupils during the full period of time that schools are in operation.

6.2 Teachers are routinely involved in a variety of situations in the supervision of pupils in their care as part of their contractual duty of care. Supervision of pupils in classes under their control is an integral part of a teacher's professional duties and contract of employment. The issue being addressed in this scheme relates to supervision of students on the school premises outside of specified classroom teaching duties that has, up to the present, generally been provided by teachers on a voluntary basis. Under this scheme, the Department will make resources available to schools to provide supervision on a paid basis.

6.3 The supervisor in discharging his/her duty should take such care as to ensure the health and safety of the pupils as is reasonable in the circumstances.

## **7. Substitution**

7.1 Substitution is the replacement of an absent teacher by another qualified teacher and substitution arrangements should aim to maximise appropriate teaching during substitution periods.

7.2 At present, the Department provides for paid substitution for specified approved teacher absences. In the case of absences for which paid substitution is available, schools normally employ a suitable qualified substitute as soon as possible to teach the subjects and classes of the absent teacher.

7.3 Under the terms of this agreement, the Department will now provide schools/VECs with resources to extend paid substitution for absences of teachers on uncertified sick leave, and

[Deputy Mary Coughlan.]

other approved absences on school business, with a view to minimising the disruption of teaching programmes and improving the service to pupils. This substitution should be arranged in the normal way by the employment of a substitute teacher.

7.4 In addition, in order to facilitate school management in dealing with short-term unplanned or unexpected absences, teachers already employed by the school may commit to and be paid for casual substitution under the supervision and substitution arrangements set out in Paragraph 3 of this Circular. This does not alter the existing arrangements for part-time teachers to undertake duties as a substitute in the normal way.

## **8. Arrangements for Payment.**

The following arrangements for payment have been agreed.

8.1 A claim form should be completed by each teacher who wishes to apply for payment. A copy of the claim form is attached as Appendix 11.

8.2 Valid claims should be certified by the Principal and retained in the school. The Principal of each school should notify the Department/VEC of the list of teachers eligible for payment on a composite claim form. The composite claim form will be forwarded to schools in due course.

8.3 The Department / VEC will arrange for payment of the teachers concerned through the teacher payroll system on receipt of the composite claim form.

8.4 Further discussions will be held with the parties on agreeing arrangements for an advance payment in December.

## **9. Supplementary Arrangements**

9.1 The process of seeking teacher volunteers (from amongst the permanent, temporary and part-time teachers employed by the school) may not produce enough school-based volunteers to cover the school's supervision and substitution needs. In such circumstances, school management may source and recruit personnel to provide supervision services before school, at break-times and after school, and (where substitute teachers are not available) supervision of classes where teachers are absent on uncertified sick leave or on other approved absences on school business.

9.2 Such personnel employed by the school as supervisors may be paid either on a casual basis or on a contract basis from funds provided by the Department based on the balance or proportion of the balance of the non-committed supervision and substitution hours. Supervisors who contract for the delivery of supervision services will be remunerated at a weekly rate of €370 per week for which they will be expected to provide a minimum of ten hours and up to a maximum of twenty hours actual supervision per week. Supervision on a casual hourly basis or in excess of 20 hours for contracted staff in any week will be paid at a pro-rata rate.

9.3 These supplementary arrangements will continue to be kept under review in consultation with school management authorities.

**10. Accounting Requirements**

In the normal way each school/VEC will be required to keep records of the utilisation of the hours allocated under the supervision and substitution arrangements. Each school/VEC will also be required to provide a balancing statement showing the hours allocated, the hours certified for payment and expenditure on the employment of non teaching staff where applicable.

**11. Review**

The operation of the arrangements of this scheme will be monitored at national level throughout the year, and reviewed at the end of the school year, by a group representative of the parties to this agreement and may be revised as appropriate.

**12. General**

Queries regarding individual payments to teachers should be addressed to Post Primary Teachers Section in Athlone (Tel: 090-6474621).

Queries in relation to pensions should be addressed to Pensions Section (Tel: 090-6474621).

Queries in relation to school funding should be addressed to Post Primary Administration (Tel: 0506-24336).

**13. Dissemination of Circular**

Please provide a copy of this circular to the appropriate representatives of parents and teachers for transmission in the normal way.

**John Dennehy**

**Secretary General**

**10th January 2003**

**Appendix 1****Contract for Supervision and Substitution Duties**

(permanent wholetime teachers)

A. I \_\_\_\_\_ hereby give a commitment to undertake supervision and substitution duties for 37 hours per school year on an ongoing basis to retirement in accordance with the terms of the Circular Letter PPT01/03. I understand that, should I cease to meet this commitment, pensionability will be forfeited and I will not be allowed to re-enter such a commitment.

*or*

B. I \_\_\_\_\_ hereby give a commitment to undertake supervision and substitution duties for 37 hours for the school year 2002/2003 in accordance with the terms of Circular Letter PPT 01/03. I understand that this is on a non-pensionable basis.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(Teacher)

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(Principal/Board of Management)

[Deputy Mary Coughlan.]

*Optional*

C. In addition to the commitment to undertake substitution and supervision duties of 37 hours I undertake to provide additional casual supervision and substitution hours when available as and when the need arises.

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(Teacher)

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(Principal/Board of Management)

**Appendix 11**

Claim for payment for voluntary Supervision/Substitution in the school year 2002/2003.

To: \_\_\_\_\_ Principal

From: \_\_\_\_\_ Applicant  
( Block Capitals)

In accordance with the terms of Circular Letter PPT 01/03 I hereby claim payment for voluntary Supervision/Substitution outside timetabled class contact hours on the basis that I have delivered on my contracted commitment of 37 hours over the course of the 2002/2003 school year.

In addition I hereby claim payment for an additional \_\_\_\_\_ non-pensionable hours which I delivered over and above my contracted commitment of 37 hours in the school year.

Signed: \_\_\_\_\_ Applicant  
Date: \_\_\_\_\_

*I certify that the above claim has been verified by reference to school records and is in accordance with the terms of Circular Letter PPT01/03.*

**Certified:** \_\_\_\_\_ **Principal**

Date: \_\_\_\_\_

**Circular Letter 115/2008**

To: BOARDS OF MANAGEMENT OF PRIMARY SCHOOLS

**1. Substitute cover for registered teachers employed in primary schools — Amendments to existing arrangements.**

1. (a) As a result of the 2009 Budget provisions for Education, arising from current economic challenges, and following subsequent proposals from the management bodies of primary schools, new arrangements are being put in place for substitution cover for uncertified sick leave for teachers in primary schools.

1. (b) These arrangements are being put in place with effect from 1 January 2009 and will remain in place for the remainder of the 2008/09 school year while a review of the supervision, substitution arrangements and related matters takes place.

1. (c) With effect from the 1st January, 2009, the general rule will be that substitute cover will not be provided for the first day of an absence of a teacher on uncertified sick leave in a school.

1. (d) There will be two exceptions to this general rule. The first will be that substitute cover will be provided for the first day of an absence of a teacher on uncertified sick leave in schools with two or less classroom teachers.

1. (e) The second will be that in the event that two or more teachers in a school are absent from teaching duty on the first day of uncertified sick leave, substitute cover will be provided for the second and subsequent teachers that are absent.

1. (f) The existing arrangements for substitute cover for other absences of teachers from teaching duty will continue to apply.

## **2. Checks for the Employment of Substitute Teachers.**

2. (a) A recent newspaper report of journalists being offered employment as substitute teachers gaining access to two schools while purporting to be qualified teachers serves as a timely reminder of the importance of carrying out adequate checks when school staff are being recruited. For school authorities, when employing persons for teaching or other positions, good practice should involve the checking of recent employment records, qualifications, experience and names of referees. While many substitute teachers have previous experience of working in schools and may be known to the authorities in particular schools, there is clearly a heightened requirement for vigilance in checking the prior employment record where the person seeking employment is not known to the school or is approaching it for the first time. Good practice is warranted in any event, regardless of the specific issue with regard to safeguarding against any child protection risk.

2. (b) In the context of child protection specifically, the arrangements for vetting of teaching and non-teaching staff are set out in Department circular 0094/2006, which issued to all schools in June 2006. This circular is available on the Department's website. Irrespective of the position on vetting by the Garda Vetting Unit, where facts or information come to a board of management's attention calling into question a person's suitability to work with children, it is a matter for the board to be satisfied that the person is suitable to work in that capacity.

The position will naturally have to be assessed on a case-by-case basis.

2. (c) A Board of Management must consider the various circumstances of the case, give due weight to all relevant factors and afford fair procedures to the individual concerned before making a decision.

H. Loftus,

P. Maloney,

December, 2008.

## **Report Cards**

117. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills the



[Deputy Ruairí Quinn.]

position regarding the report card templates drawn up by the National Council for Curriculum and Assessment; if she has issued a circular requiring all schools to use these cards, particularly when a student transfers from primary to secondary school; her views regarding the use of these report cards and the obligations arising from the Data Protection Acts 1988 and 2003; and if she will make a statement on the matter. [2191/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The report card templates developed by the National Council for Curriculum and Assessment are available for schools to use and they provide a useful mechanism for schools to report to parents on the progress of their children.

Circular Letter 0138/2006 requires schools to ensure that standardised testing is implemented on an annual basis in English Reading and Mathematics at the end of first class OR the beginning of second class, AND at the end of fourth class OR the beginning of fifth class. This circular advises schools that the results of testing should be reported to parents in respect of their children in accordance with the reporting templates which were then being piloted by the NCCA. There is no requirement in the circular to pass the report card to a second level school when the pupil transfers.

Section 22 of the Education Act 1998 requires the principal and teachers of a school to regularly evaluate students and periodically report the results to parents. The Data Protection Acts 1998 to 2003, which cover both electronic data and information held in manual form, generally require that personal data may be shared with other parties only for the specific purpose for which it was gathered, and generally only with legal cover or consent.

Section 28 of the Education Welfare Act, 2000 enables the data controller of a prescribed body to share personal data with another prescribed body for a relevant purpose. This includes recording a person's education or training history or monitoring his/her progress for the purpose of determining how best he/she can be assisted. SI 639/2005 prescribes the bodies which may share information as being the Minister for Education and Science, the National Council for Special Education, the National Educational Welfare Board, and any recognised school or centre for education. Schools may therefore share information with other schools or centres for the purpose of monitoring students' educational progress and catering for their educational needs.

Page 80 of Assessment in the Primary School Curriculum — Guidelines for Schools, which issued to all primary teachers at the end of 2007 sets out information on Data Protection and the sharing of assessment information with other parties.

### **Higher Education Grants**

118. **Deputy Michael Ring** asked the Tánaiste and Minister for Education and Skills when a person (details supplied) in County Mayo will be paid the third level maintenance grant. [2214/11]

119. **Deputy Michael Ring** asked the Tánaiste and Minister for Education and Skills when a person (details supplied) in County Mayo will be paid the third level maintenance grant. [2215/11]

120. **Deputy Michael Ring** asked the Tánaiste and Minister for Education and Skills when a person (details supplied) in County Mayo will be paid the third level maintenance grant. [2216/11]

121. **Deputy Michael Ring** asked the Tánaiste and Minister for Education and Skills when a person (details supplied) in County Mayo will be paid the third level maintenance grant. [2217/11]

122. **Deputy Michael Ring** asked the Tánaiste and Minister for Education and Skills when a person (details supplied) in County Mayo will be paid the third level maintenance grant. [2218/11]

124. **Deputy Michael Ring** asked the Tánaiste and Minister for Education and Skills when a person (details supplied) in County Mayo will be granted their third level maintenance grant in view of the fact that the non-payment of this grant is causing financial hardship. [2382/11]

125. **Deputy Michael Ring** asked the Tánaiste and Minister for Education and Skills when a person (details supplied) in County Mayo will be granted their third level maintenance grant in view of the fact that the non-payment of this grant is causing financial hardship. [2383/11]

126. **Deputy Michael Ring** asked the Tánaiste and Minister for Education and Skills when a person (details supplied) in County Mayo will be granted their third level maintenance grant in view of the fact that the non-payment of this grant is causing financial hardship. [2384/11]

127. **Deputy Michael Ring** asked the Tánaiste and Minister for Education and Skills when a person (details supplied) in County Mayo will be granted their third level maintenance grant in view of the fact that the non-payment of this grant is causing financial hardship. [2385/11]

128. **Deputy Michael Ring** asked the Tánaiste and Minister for Education and Skills when a person (details supplied) in County Mayo will be granted their third level maintenance grant in view of the fact that the non-payment of this grant is causing financial hardship. [2386/11]

129. **Deputy Michael Ring** asked the Tánaiste and Minister for Education and Skills when a person (details supplied) in County Mayo will be granted their third level maintenance grant in view of the fact that the non-payment of this grant is causing financial hardship. [2387/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I propose to take Questions Nos. 118 to 122, inclusive, and 124 to 129, inclusive, together.

The process of assessing and paying third level or further education grants is a matter for the relevant local authority or VEC. I am aware that the timing of processing and paying of grants varies between the 66 awarding authorities depending on a number of variables including the volume of applications received, staffing resources and whether or not properly completed application forms have been submitted. Work prioritisation across different functions, and how available staff are deployed to execute those functions are matters for the management of each VEC and local authority concerned.

This year's student grant schemes include a number of significant administrative and service improvements aimed at addressing the issue of delay. These included addressing the issue of cash flow for grant awarding authorities to enable the timely payment of grants through the introduction of an advance payment arrangement.

My Department is in constant contact with grant awarding authorities to monitor the situation in relation to the processing and payment of student grants. Before Christmas, it wrote, on my behalf, to the heads of the grant awarding authorities to inform them that I am anxious to ensure that remaining applicants receive decisions on their grant applications as

[Deputy Mary Coughlan.]

soon as possible and requesting their co-operation in prioritising this work in their Councils/Committees.

### **Schools Amalgamation**

123. **Deputy Michael Creed** asked the Tánaiste and Minister for Education and Skills the position regarding the proposed amalgamation of schools (details supplied) in County Cork; if a site has been acquired for the construction of a new school arising from this amalgamation; if contracts for purchase have been completed; and if she will make a statement on the matter. [2223/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** In 2002, agreement was reached to amalgamate the two primary schools referred to by the Deputy. The application for capital funding to facilitate this amalgamation was assessed and assigned a band rating of 1.4.

The Department approached County Cork Vocational Education Committee seeking their assistance towards identifying a suitable site for this proposed amalgamation. County Cork Vocational Education Committee published an advertisement in April 2010, requesting submissions from interested land owners for potential sites for the proposed new school. On foot of the advertisement, a total of 5 proposals were received and a suitable site has been identified. The VEC has concluded its assessment of the sites and has, I am advised, had discussions with the planning authority on the suitability of the preferred site. I further understand that the land owner has also made contact with the Local Authority in relation to this matter. However given the sensitivities associated with land acquisitions generally, I am not in a position to comment further at this point in time.

The acquisition of the site and the delivery of the school building project will be considered in the context of the capital budget available to my Department for school buildings generally.

*Questions Nos. 124 to 129, inclusive, answered with Question No. 118.*

### **School Accommodation**

130. **Deputy Emmet Stagg** asked the Tánaiste and Minister for Education and Skills, further to Parliamentary Question No. 96 of 15 December 2010, if she has made a decision regarding the location of the new school in the Clane and Prosperous area of north Kildare; and who will set up the new school. [2414/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** A review of the procedures for the establishment of new primary schools is currently being carried out under the Commission on School Accommodation. In the interim it is not proposed to recognise any new primary schools, except in areas where the increases in pupil numbers cannot be catered for in existing schools and which require the provision of new schools. The Commission is due to report to me shortly at which time I will have to consider the policy matters and necessary arrangements and revised procedures that will need to be put in place. The establishment of new schools, including the request for a new school in the Clane/Prosperous area, will be considered in this context.

### **School Transport**

131. **Deputy David Stanton** asked the Tánaiste and Minister for Education and Skills the decision, if any, she has made to cease the exemption under the closed school rule; if she will

list the schools that will be affected under this change; the reasons for this decision; and if she will make a statement on the matter. [2415/11]

**Minister of State at the Department of Education and Skills (Deputy Seán Haughey):** The information note accompanying the press release on 7th December setting out the main features of the 2011 estimates included the following in relation to the closed school rule (CSR):

Changes in the 2011/2012 school year, arising from the value for money review, will mean that the distance criteria will be applied to all pupils attending primary schools and the exemption under the closed school rule will cease. This means that children categorised for transport under the CSR who reside less than 3.2 kilometres (2 miles) from the school of attendance and who are availing of free transport to that school under the CSR will lose transport eligibility.

From the 2012/2013 school year, eligibility based on the CSR and the central school rule will cease for all new children entering primary schools. Existing primary pupils availing of transport under the CSR will retain transport eligibility for the duration of their schooling, provided the requisite distance criteria are met.

Thus, transitional school transport arrangements under the general terms of the scheme, will remain in place for a reducing number of pupils over a maximum period of seven years until this group of children have all completed their primary education.

A sample survey undertaken as part of the Value for Money Review on transport arrangements for pupils availing of transport under the CSR showed that the majority of pupils are in fact attending their nearest open school, so this change will not have any practical impact on students attending the majority of schools. Bus Éireann is now conducting a full assessment on behalf of the Department to establish the number of pupils who do not meet the distance eligibility criteria and the number of schools affected by the change. It is planned that this work will be completed by the end of the school year. The Department of Education and Skills assesses school accommodation needs in each area based on local demographic trends, current and projected enrolments, recent and planned housing developments and the capacity of existing schools to meet demand for places.

This rule, which has remained fundamentally unchanged since 1968. This change means that the distance criteria will be applied equitably nationally and that consistency will be introduced in relation to planning for school places. In the case of any future primary school amalgamations, eligibility for school transport will be based on distance from and attendance at the nearest school, as determined by my Department.

### **Schools Building Projects**

132. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Education and Skills when work will commence on the extension and sports hall for a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [2425/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The project to which the Deputy refers is currently at an advanced stage of architectural planning. The design team lodged the planning application with the Local Authority in November last and have submitted applications for Fire Certificate and Disability Access Certificate (DAC). On receipt of the necessary statutory approvals the design team will complete and submit their stage 2(b) report to my Department for technical review. Assuming no issues arise, it is envisaged that the project will then progress to tender and construction.

133. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Education and Skills when work will commence on the extension and sports hall for a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [2426/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The project to which the Deputy refers is currently at tender stage. Upon receipt of the tender report from the Board of Management and assuming that no issues arise, the project will be authorised to proceed to construction. It is anticipated that the project will commence construction in the second quarter of 2011.

134. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Education and Skills when work will commence on the new school buildings for an organisation (details supplied) in Dublin 15; and if she will make a statement on the matter. [2427/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The project to which the Deputy refers is at an advanced stage of the tender process. Subject to no issues arising, it is anticipated that construction will commence shortly.

135. **Deputy Leo Varadkar** asked the Tánaiste and Minister for Education and Skills when she will lodge a planning application for permanent school buildings for a school (details supplied) in Dublin 15; and if she will make a statement on the matter. [2428/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** As the Deputy may be aware, it is intended to provide a 1,000 pupil permanent post primary school on a permanent site for the school to which the Deputy refers. Fingal County Council are leading the negotiations in relation to the acquisition of a site for the school in question, at my Department's request, in accordance with the Fingal Model Agreement. Fingal County Council have advised the Department that the elected members have formally approved the disposal of the site to the Department and contracts are awaited. In the meantime, the school is operating in temporary accommodation on an existing VEC site. The Department recently received an application for the rental of additional temporary accommodation to meet the school's anticipated needs for September 2011 and this application will shortly be assessed.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

136. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills if she will explain the rationale behind her decision to permanently purchase prefabricated classrooms at a school (details supplied) in County Dublin; the cost of this transaction; the arrangements in place for the construction of permanent proper classroom facilities at this school; and if she will make a statement on the matter. [2429/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** As the Deputy is aware, my Department's review of policies and procedures for the provision of temporary classroom accommodation is well underway. The review incorporates the development of standard specifications for temporary accommodation, the development of new contractual terms to incorporate buy-out and relocation options to cater for individual local circumstances and appropriately protect the interests of the Department and school authorities. Another strand of the review is negotiations with prefab suppliers to buy out existing rental contracts or

reductions in annual rent, as appropriate. An initial group of schools with rented prefabricated accommodation, including the school referred to by the Deputy, has been identified for priority negotiations with suppliers to buy out existing rental contracts.

The focus of this review is the development and adoption of practical measures and policies to achieve best value for money in the area of temporary accommodation in schools. The selection criteria for buy-out options have identified schools where lengthy and/or costly rental contracts exist. Officials from my Department visited the school in question in October 2010 and examined the prefabs being rented. On 29th November 2010 the school authorities were informed that my Department had decided to purchase the rented accommodation as it provided better value for money for my Department. The school were also advised that the purchase of the rented accommodation would not affect the school's application for a permanent extension which has been assigned a band rating of 2.4.

I would like to assure the Deputy that the school's application for an extension will continue to be considered for progression through the School Building and Modernisation Programme. In light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of that project at this time. As negotiations are on-going on the buy-out of other school rental contracts, the cost of the buy out of the rental contract at the school in question cannot be provided as this information is commercially sensitive.

### **School Staffing**

137. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills if she will respond to correspondence (details supplied); and if she will make a statement on the matter. [2459/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The Financial Emergency Measures in the Public Interest (No 2) Act 2009 (the Act) determined the criteria for reducing the pay of public servants with effect from January 2010. However, when the Act was introduced, there was a question as to how a public servant should be determined for the purposes of this Act. Subsequently, following receipt of legal advice, it has now been determined that all staff employed by a recognised school or VEC come within the definition of "public servant" solely for the purposes of the Act.

While it is correct to say that fee-charging schools do not receive capitation or ancillary grants, the legislation has determined that all persons employed by a recognised school (including a fee-charging school) or VEC, regardless of the source of the money used to fund their salary, the lack of ability of any Minister or Department to determine on their appointment or set their pay rates, and irrespective of whether or not they are eligible for, or members of, a public service pension scheme, are "public servants" within the meaning of the Act.

It is important to point out that the fact that affected staff employed by recognised schools and VECs come within the definition of "public servant" solely for the purposes of the Act does not alter their employment status in any other respect. In view of the time lapse involved in reaching a determination on this issue, the Minister for Finance has allowed for a temporary exemption from the application of the Act for these categories of staff up until 31 December 2010. Accordingly, my Department issued Circular 0070/2010, on 26 November 2010, which outlined that adjustments in salary should be applied with effect from 1 January 2011, to all relevant staff in the employment of recognised schools or VECs, who were not already affected by the pay reductions introduced under the Act. Some of the categories of staff affected by this Circular included school secretaries in all recognised schools (including fee-charging schools).

### Higher Education Grants

138. **Deputy Joe McHugh** asked the Tánaiste and Minister for Education and Skills if she will make allowances for a student whose application for a third level grant is stalled because of an unusually difficult situation regarding a property that is currently classified as an asset belonging to one of their parents; and if she will make a statement on the matter. [2460/11]

**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.

### Teaching Qualifications

139. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills if she has read the report, prepared on behalf of the Teaching Council, of the current practices, standards, priorities and outcomes of the educational procedures in a college (details supplied) in County Limerick; her views on the outcomes and conclusions of the report, in view of the significant fall in the PISA 09 results here; the action she will take regarding same; and if she will make a statement on the matter. [2468/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** As the Deputy is aware, in accordance with Section 38 of the Teaching Council Act 201, the Teaching Council has a statutory role in relation to the review and accreditation of the programmes of teacher education and training provided by institutes of higher education and training in the State.

The Council's role in reviewing and accrediting programmes of initial teacher education will allow it to ensure that high standards of entry to the profession in Ireland are maintained. It is important for our young people, and society as a whole, that these standards be upheld and it is also important for the purpose of maintaining the reputation of the profession. The review of four programmes in both 2009/2010 and in 2010/2011 marks a significant first step for the Council and for all the partners in education who have contributed to the development of the Council's Review and Accreditation Strategy.

The reviews were carried out by independent Review Panels working on the Council's behalf. Each panel reviewed the programmes based on a thorough assessment of programme documentation and a three-day visit to each college. Over the course of the visits, the panels met with programme staff and students as well as graduates of the programme and employers of those graduates. They also inspected teaching and learning facilities, observed a sample of lectures, viewed students' project work and visited schools where teaching practice was taking place.

I am pleased that the Council has recently published the reports, including recommendations, of the first four reviews, including that of the College referred to by the Deputy. That particular report recommends to the Teaching Council that the programme be granted accreditation. The report also identifies a significant number of strengths in relation to the College's staff, work ethic, value system, experience of the students and so on, while it also makes specific recommendations in relation to the time allocated to programme components and the preparation of students in particular educational areas, amongst other things.

I understand that the Council will be engaging with the institutions concerned in relation to the implementation of the relevant recommendations, and I look forward to the outcome of that engagement. I am confident also that the open availability of these reports to the wider initial teacher education sector will serve as a guide to other providers in developing and improving their own initial teacher education programmes and the sector as a whole will benefit accordingly. The PISA report, which was published by the OECD on 7 December 2010, showed results in reading and maths which were lower than in previous years. While national and international experts have advised that we should treat the results of just one PISA test with caution, I believe that the outcomes show that we must make a major effort to improve our literacy and numeracy standards.

This means we must press on with our reform agenda and the national rollout of the changes to post-primary Mathematics involved in Project Maths. In November 2010, I launched “Better Literacy and Numeracy for Children and Young People”, a major draft national plan to improve literacy and numeracy in schools and I have invited submissions from interested parties. The plan will bring radical changes to teacher education, curriculum and assessment at school level and nationally. The Teaching Council will also be working with the Department to advance the aims of the plan. I am convinced that implementing a comprehensive package of these reforms is needed to place Irish students among the highest performing students in literacy and numeracy world-wide.

### **School Staffing**

140. **Deputy John Deasy** asked the Tánaiste and Minister for Education and Skills the reason Circular 0070/2010 specifying pay cuts under the Financial Emergency Measures in the Public Interest (No. 2) Act 2009 for school employees such as cleaners, caretakers, school secretaries and others has been issued now; the legal advice she received regarding these categories of school staff when the Act was initially implemented and the way this legal advice has now changed; and if she will make a statement on the matter. [2492/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The Financial Emergency Measures in the Public Interest (No. 2) Act 2009 (the Act) determined the criteria for reducing the pay of public servants with effect from January 2010. However, when the Act was introduced, there was a question as to how a public servant should be determined for the purposes of this Act. Subsequently, following receipt of legal advice, it has now been determined that all staff employed by a recognised school or VEC come within the definition of “public servant” solely for the purposes of the Act.

In view of the time lapse involved in reaching a determination on this issue, the Minister for Finance has allowed for a temporary exemption from the application of the Act for these categories of staff up until 31 December 2010. Accordingly, my Department issued Circular 0070/2010, on 26 November 2010, which outlined that adjustments in salary should be applied with effect from 1 January 2011, to all relevant staff in the employment of recognised schools or VECs, who were not already affected by the pay reductions introduced under the Act. Some of the categories of staff affected by this Circular included school secretaries, caretakers and cleaners. It is not the practice to make public legal advice.

### **Site Acquisitions**

141. **Deputy Ruairí Quinn** asked the Tánaiste and Minister for Education and Skills the sum paid by her towards the purchase of a site (details supplied) for a new school building in County Dublin; the valuation that was applied to the land concerned and by whom; if she has agreed



[Deputy Ruairí Quinn.]

to contribute towards the cost of new buildings belonging to the purchaser arising out of this sale. [2499/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I wish to advise the Deputy that in recognition of the emergent demands for school provision in the overall Lucan area, my Department has been in discussions with the South Dublin County Council with a view to seeking their assistance in securing additional capacity. An agreement, in principle, has been reached between my Department and the Council in relation to the acquisition of a circa 4 acre site at the Lands at Esker Lane Lucan County Dublin for the purposes of re-locating an existing Educate Together School which is now reaching capacity in its current accommodation.

To this end, South Dublin County Council recently approved the disposal of circa 4 acres of a currently used site in Esker for a consideration of €0.45m per acre for the freehold interest of the site. The Deputy will appreciate that discussions and negotiations in relation to the price agreed were conducted in the context of advices available to, and the expectations of the Local Authority. The Deputy will also be aware that the disposal of these lands required the agreement of the Elected Members of the Council. I am pleased to report that same has been secured. As part of this agreement involves the re-location of the existing Parks Depot on these lands, the Council will also require to be put in funds for the costs of re-locating this facility at an estimated cost of €2.25m plus VAT. The transfer of these funds, pursuant to the agreement, will be arranged in the coming days.

### School Transport

142. **Deputy Emmet Stagg** asked the Tánaiste and Minister for Education and Skills when a substantial response will issue to this Deputy's correspondence to her and her acknowledgement on 21 October 2010 (details supplied). [2507/11]

**Minister of State at the Department of Education and Skills (Deputy Seán Haughey):** The Deputy will be aware from my previous reply that only pupils who reside 3.2 kilometres or more from, and are attending, their nearest national school, as determined by my Department, are eligible for free school transport. There is no provision within the School Transport Scheme for my Department to sanction either free transport or grant-aid for pupils in the circumstances outlined by the Deputy in the details supplied. The families of the pupils concerned should continue to liaise with their local Bus Éireann office should they wish to apply for concessionary fare paying school transport.

### Ministerial Staff

143. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Education and Skills the name of each non-Civil Service adviser employed by her in the years 2009, 2010 and to date in 2011; each adviser's salary, expenses claims and job title in each year; and if she will make a statement on the matter. [2659/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** I have appointed two non-civil servant special advisers, Mr. Michael Shovlin, Special Adviser, and Mr. Sean Perry, Press Adviser, since my appointment to the Department of Education and Skills on 23 March 2010. Mr. Shovlin and Mr. Perry served at the Department of Enterprise, Trade and Employment (now Department of Enterprise, Trade and Innovation) during the tenure of my appointment as Minister at that Department. Details of expenses in respect of 2009 to 23 March 2010 are held by that Department.

The salary scales relevant to Mr. Shovlin is that of Principal Officer Higher: €85,957 — €89,399 — €92,853 — €96,295 — €99,236 — €102,335 — €105,429. The salary scales relevant to Mr Perry is that of Principal Officer: €80,051 — €83,337 — €86,604 — €89,898 — €92,672 — €95,550 — €98,424. Expenses including travelling and subsistence allowances, where applicable, are paid in accordance with normal civil service regulations and amounted to €7,832.65 from 23 March 2010 to end 2010 and €584.39 in 2011 to date, in respect of the two advisers.

### Official Travel

144. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Education and Skills if she will provide details of any foreign trips made by her in the year 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the exact mode of ground transportation used; the name of each hotel and the nature of the entertainment for which the expenses were incurred; and if she will make a statement on the matter. [2674/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The only official overseas visit undertaken by me as Tánaiste and Minister for Education and Skills in 2010 and to date in 2011 was the Education Trade Mission to the United States in September 2010. This mission was organised and arranged by Enterprise Ireland and its primary purpose was to promote Ireland as a destination for full-time study by US students. With the exception of the cost of the gifts given during the visit, the costs of Ministerial participation were met by Enterprise Ireland, in accordance with that agency's policy for Ministerial-led trade missions. A total of 15 gifts were given during the visit at a cost of €745.41.

145. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Education and Skills if she will provide details of any foreign trips made by officials in her Department in the years 2009, 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of the entertainment for which expenses were incurred; and if she will make a statement on the matter.

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** A total of 411 trips were undertaken by officials in my Department in the years 2009 and 2010. No costs, as yet, have been incurred for 2011. It would not be administratively feasible to extract and provide the level of detail sought in respect of each of these trips. However, it is possible to provide aggregate information for travel by officials during this period, and if the Deputy is interested in any specific official trips, arrangements can be made to provide the full level of detail sought. Expenditure on air travel during the period amounted to €110,004. Expenditure on ground transportation totalled €5,287. Expenditure on accommodation totalled €75,173. Official entertainment is only undertaken where it is considered absolutely necessary and is undertaken very rarely in the course of Foreign Travel. Expenditure is governed by the provisions of the Department of Finance circular on official entertainment and officials in my Department are required to ensure the strictest economy in its expenditure. Separate figures are not maintained for official entertainment carried out while travelling.

146. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Education and Skills if she will provide details of hotel accommodation used by her within the State while on ministerial duties in the years 2009, 2010 and to date in 2011; the name of each hotel in which she

[Deputy Lucinda Creighton.]

stayed; the costs associated with each stay and the purpose of each trip; and if she will make a statement on the matter. [2719/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The information requested is being compiled at present and will be forwarded to the Deputy shortly.

147. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Education and Skills if she will provide details of any foreign trips made by officials in public bodies under the remit of her Department in the years 2009, 2010 and to date in 2011, the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of entertainment for which expenses were incurred; and if she will make a statement on the matter. [2734/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** Travel by public bodies under the remit of my Department is an operational matter for the individual bodies themselves and the information is not collated centrally. It is the responsibility of all bodies operating under the aegis of my Department to ensure full compliance with the Department of Finance Foreign Travel Guidelines, published in 2009. The Guidelines have been brought to the attention of these bodies by my Department.

In line with the revised code of practice for the Governance of State Bodies published in 2009, the Chairperson of each body, must on, an annual basis, a) affirm that all appropriate procedures for financial reporting, internal audit, travel, procurement and asset disposal are being carried out and b) certify that Government Travel Requirements are being complied with in all respects. The relevant line sections in my Department actively liaise with those bodies operating under my Department, who are required to provide the relevant documentation relating to corporate governance as outlined in the revised code. In the circumstances, my Department does not hold details of the information sought.

### **Higher Education Strategy**

148. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Education and Skills her plans to create technological universities; the way these plans will be progressed and implemented; and if she will make a statement on the matter. [2748/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** The new National Strategy for Higher Education which I published last week has been endorsed by the Government as the basis for the development of the higher education sector over the next two decades. The new Strategy affirms the importance of having institutions with a diversity of missions and provides a clear pathway of evolution for Institutes of Technology, which includes the potential to amalgamate on a regional basis and to seek re-designation as Technological Universities, on the basis of defined performance criteria. Such criteria will be robust and will be based on the strong foundation of the existing Institute of Technology mission.

International expertise has been engaged to assist in finalising these criteria and I expect to be in a position to publish them later this Spring. My officials and the HEA will also be available to engage in direct discussions with individual institutions on their future strategic intentions in terms of regional cluster formations, and where appropriate alliances or mergers. The implementation of all the recommendations in the Strategy, including the preparation of

formal legislative proposals, will be overseen by an Implementation Board to be chaired by the Secretary General of my Department.

149. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Education and Skills if she will outline any systems in place in her Department to capture feedback from students in third level education; and if she will make a statement on the matter. [2750/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** Best practice quality assurance processes involve the capturing of student feedback and complying with quality assurance procedures are the responsibility of the higher education institutions in the first instance. A range of student feedback arrangements are in place across higher education institutions. At a policy level, my Department has regular engagement with the Union of Students in Ireland.

The new national Strategy for Higher Education which I launched last week focusses on key performance areas of the higher education system and outlines a framework to analyse and improve the quality outcomes of the system. Of vital importance is the quality of the student experience and in this regard, the Strategy recommends that a national student survey system should be put in place and the results published. The Strategy further recommends that higher education institutions put in place a comprehensive student feedback system coupled with structures to ensure that action is taken promptly in response to student concerns.

Implementation of the recommendations in the Strategy will be overseen by an Implementation Board to be chaired by the Secretary of my Department. It is hoped to make early progress on the national student survey system and the HEA have been asked to begin assessing the scope and nature of such a survey.

150. **Deputy Lucinda Creighton** asked the Tánaiste and Minister for Education and Skills the specific systems in place to ensure that all teaching staff in the third level sector are qualified and competent; and if she will make a statement on the matter. [2751/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** A key recommendation in the new Strategy for Higher Education which I published last week is that higher education institutions should ensure that all teaching staff in the third level sector are qualified and competent. It is acknowledged that while significant advances in teaching and learning in our higher education institutions have been seen in the past number of years, it is important that best practice in this area becomes standard practice across the system.

Internationally there is also increased recognition of the need for higher education academics to meet similar standards and the European Standards and Guidelines for Quality Assurance offer clear direction in this regard. The implementation of the recommendations in the Strategy will require strong partnership and as employers, the higher education institutions themselves will have responsibility for implementation of the recommendation regarding teaching qualifications. Implementation of the recommendations in the Strategy will be overseen by an Implementation Board to be chaired by the Secretary General of my Department.

### **Special Educational Needs**

151. **Deputy Finian McGrath** asked the Tánaiste and Minister for Education and Skills the position regarding funding (details supplied). [2795/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** As previously outlined to the Deputy all centres participating in the ABA pilot scheme funded by my Department have been granted recognition as special schools for children with autism. I am pleased

[Deputy Mary Coughlan.]

to update the Deputy that following their recognition the new schools are currently progressing well in the transitional phase. The majority of them have appointed Principal Teachers and have commenced the recruitment process for other teaching posts. It is my intention to continue to support the transitional process.

The issue that the Deputy raises on behalf of the parents in question relates to a privately run centre to which my Department has no role in funding. However I am aware that a bilateral arrangement was agreed between this centre and a centre participating in the pilot scheme. My Department was not party to the arrangement. On request officials from my Department facilitated a meeting of the Boards last year to discuss the position. However I must again emphasise that the resolution of funding and enrolment issues are a matter for the Boards locally. Furthermore I must also emphasise that a school placement is available for the child concerned.

152. **Deputy Willie O’Dea** asked the Tánaiste and Minister for Education and Skills if her attention has been drawn to the fact that the National Council for Special Education has accepted that an extra special class should be provided for a school (details supplied) in County Limerick; if her further attention has been drawn to the fact that an additional teacher has been agreed for the school, however, despite the case for an extra class being accepted and an extra teacher agreed, it will be impossible to provide the extra class due to the fact that no special needs assistants are to be allocated for that class; her views on whether this is logical, fair or equitable in view of the fact that there are five pupils involved and that each would be entitled as a right to an SNA were they to attend mainstream schools and that only two extra SNAs would be required to enable the extra class to be established; and if she will take immediate steps to rectify the situation. [2796/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** As the Deputy will be aware, the National Council for Special Education (NCSE) is an independent agency with responsibility for determining the appropriate staffing levels in relation to the support of pupils with special educational needs in all mainstream and special schools. This includes determining the level of Special Needs Assistant (SNA) support in schools. The NCSE operates within my Department’s criteria in allocating such support. The NCSE has advised my Department that they are satisfied that there are sufficient SNA resources at present in the school concerned, which would allow them to cater for all of the children in the school, including those in the proposed new special class.

### Site Acquisitions

153. **Deputy Joan Burton** asked the Tánaiste and Minister for Education and Skills if the acquisition of a 15 acre school site in Kellystown Dublin 15 has taken place; the consideration paid in respect of this site; when the acquisition price was agreed; the terms of the contract for the acquisition of the site; if she will confirm reports that the price was agreed to reflect the full market price of zoned residential land even though the site was at that time zoned for green belt use; the time line for delivery of permanent buildings for a college (details supplied) on this site; and if she will make a statement on the matter. [2797/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** As the Deputy will be aware, Fingal County Council carried out the negotiations in relation to the acquisition of a site for the school in question, at my Department’s request, in accordance with the Fingal Model Agreement. Under this Model agreement, Fingal County Council identify and secure the purchase of the necessary sites required for school purposes and for the provision of community

facilities as part of the future development of the site. Fingal County Council have advised my Department that the elected members have recently formally approved the disposal of the site to my Department. Once the site has been transferred to my Department, the proposed building project will be considered in the context of the capital budget available to my Department for school buildings generally.

### **Charities Regulation**

154. **Deputy Finian McGrath** asked the Tánaiste and Minister for Education and Skills if she will examine and support a matter (details supplied). [3020/11]

**Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan):** My Department does not collate statistics under the heading of Investment in Charities. While my Department provides funding to a number of bodies which may be registered charities, such funding is based on criteria other than charitable status and accordingly details of amounts paid to charitable organisations are not held.

### **Local Authority Charges**

155. **Deputy Seán Barrett** asked the Minister for Finance in view of the current economic downturn and the ensuing fragility of businesses, the rationale for the revaluation of all commercial and industrial property throughout the country which is resulting in rate liability increases of upwards of 100% in many cases; and if he will make a statement on the matter. [2012/11]

**Minister for Finance (Deputy Brian Lenihan):** The Valuation Act, 2001 which came into effect on 2nd May, 2002, provides for the revaluation of all commercial and industrial property in the State. The Commissioner of Valuation has sole responsibility for all valuation matters under the Act, which includes the implementation of the revaluation programme. The purpose of revaluation is to bring more equity, fairness and transparency into the local authority rating system. Ideally, occupiers of properties of similar value in the same local authority area should have a similar rates liability. Following completion of the initial national revaluation programme, I am satisfied that there will be a much closer and uniform relationship between rental values of property and their commercial rates liability and that this relationship will thereafter be maintained by means of the recurring revaluations provided for in the Act.

It is not the purpose of the national revaluation programme to increase the total amount of commercial rates collected by local authorities. In fact, the relevant legislation (Valuation Act, 2001 and the Local Government Business (Improvement Districts) Act, 2006) provides that the commercial rates income of local authorities in the year following a revaluation is capped. The only increase in the total rates income of a local authority permitted in the year following publication of the new Valuation list is an increase for the rate of inflation. While some ratepayers have had their valuations increased, others have had a decrease and where such fluctuations occur, they relate to the redistribution of the rates burden on ratepayers, depending on the relative shift in rental values of the properties they occupy. The redistribution of the rates liability following revaluation is a function of market conditions at the date of valuation and the composition of the valuation list in terms of property type. Therefore the trend of reduced or increased rates liability in certain sectors in the revaluations to-date may not be replicated in the revaluations of other areas.

When the revaluation of a local authority is complete, the Valuation Office issues a proposed Valuation Certificate and a summary valuation report to each ratepayer. If the ratepayer is unhappy with the proposed valuation or other details in the certificate, she or he may make

[Deputy Brian Lenihan.]

representations. When the representations have been considered, the Valuation Office issues final certificates to all ratepayers and publishes the new Valuation list.

Following publication of the new valuation list, there is an extensive appeal system available to ratepayers. Initially, they can appeal to the Commissioner of Valuation within 40 days of the publication date and, if still dissatisfied with the Commissioner's decision on appeal, have a further right of appeal to the Valuation Tribunal which is an independent body. The decision of the Valuation Tribunal is final on the amount of the valuation; however, there is a further right of appeal to the High Court and the Supreme Court on a point of law.

### Ministerial Appointments

156. **Deputy John Perry** asked the Minister for Finance the number of appointments he has made to the Valuation Tribunal since his appointment as Minister; the names and details of the appointees; and if he will make a statement on the matter. [2028/11]

**Minister for Finance (Deputy Brian Lenihan):** I have made eleven appointments or reappointments to the Valuation Tribunal since I became Minister for Finance. The names and details of the appointees are as follows:

	Name	Occupation	Date Appointed	Term of current appt
1	Fred Devlin * Deputy Chairperson	Valuer	4/1/2010	5 years
2	John Kerr * Deputy Chairperson	Valuer	4/1/2010	5 years
3	Mairead Hughes *	Hotelier	7/9/2008	5 years
4	Tony Taaffe	Solicitor	16/06/2008	5 years
5	James Browne	Barrister	28/07/2008	5 years
6	Fiona Gallagher	Barrister	28/07/2008	5 years
7	Veronica Gates	Barrister	04/08/2008	5 year
8	Niall O'Hanlon	Barrister	17/11/2008	5 years
9	Frank Walsh	Valuer	17/11/2008	5 years
10	Michael Connellan Jnr	Solicitor	23/11/2009	5 years
11	Patricia O'Connor	Solicitor	22/02/2010	5 years

\*Reappointed.

Members of the Tribunal are appointed by the Minister for Finance under the provisions of Section 12 of the Valuation Act 2001 for a period of 5 years. They are only paid for actual sittings of the Tribunal.

### Charities Regulation

157. **Deputy Finian McGrath** asked the Minister for Finance if he will examine and support a matter (details supplied). [2076/11]

**Minister for Finance (Deputy Brian Lenihan):** My Department makes payments to charities through its administration of the "Scheme of Payments to the Promoters of Certain Charitable Lotteries". The amount of funding provided for the Scheme in 2011 is €6m. Information on payments under the Scheme in previous years is available in the annual Revised Book of Estimates and the annual audited Appropriation Account for the relevant years.

### Tax Collection

158. **Deputy Seán Sherlock** asked the Minister for Finance the number of consortia registered with the Revenue Commissioners for the purposes of benefitting from section 268-1 of the Finance Act for the purposes of offsetting capital allowances against all trading income; and if he will make a statement on the matter. [2109/11]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that as there is no legislative requirement to provide information along the lines sought by the Deputy, these details are not available.

### Pension Provisions

159. **Deputy Richard Bruton** asked the Minister for Finance if a person who has been forced to take early retirement on health grounds may withdraw money from a pension fund before retirement age in order to apply the money to other purposes; and if he will make a statement on the matter. [2115/11]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that under Revenue rules an employee retiring on ill-health grounds may have his or her retirement benefits paid immediately, in the form of a lump sum and pension, regardless of the employee's age, based on the service record the individual would have had if he or she had continued in service until normal retirement age. The precise benefits payable will of course depend on the rules of the particular scheme and on whether it is a defined benefit or defined contribution arrangement.

I am also advised that it is only in cases of "exceptional circumstances of ill-health" that the Revenue Commissioners will allow the full commutation of a pension whereby it can be paid as a lump sum subject to tax at 10%. This phrase is to be interpreted strictly and narrowly. It is not intended to refer to the kind of ill health that prevents a person from working but to cases where the expectation of life is unquestionably very short. Commutation of the pension in such cases can only take place where the administrator is satisfied based on the receipt of adequate medical evidence that terminal illness is in point and that the expectation of life is measured in months rather than years.

### Tax Code

160. **Deputy Andrew Doyle** asked the Minister for Finance if retailers involved in the sale of alcohol beverages at below cost can subsequently reclaim from the Revenue the VAT paid by them on the original purchase of the alcohol from suppliers as an input cost/VAT credit; if his attention has been brought to concerns expressed in other jurisdictions regarding VAT offsets/credits being secured by retailers who offer alcohol for sale in cut price promotions; if he will provide details on the extent to which such claims for VAT input cost offsets or credits have been made here in 2009 and 2010; his views on whether it is desirable from a public policy perspective that VAT credits should be used in such a manner to fund the cut price sale of alcohol; and if he will make a statement on the matter. [2134/11]

**Minister for Finance (Deputy Brian Lenihan):** I am advised by the Revenue Commissioners that under EU and domestic VAT rules traders who are registered for VAT collect VAT on the goods and services that they sell. In turn such traders are entitled to recover the VAT they incur on their business inputs used in the purchase or production of goods or delivery of services. VAT is a tax on the value added to a supply and the collection and recovery of VAT takes place at each stage of the chain of supply from manufacturing to retailer. Consequently,



[Deputy Brian Lenihan.]

if there is a decrease in value at any stage in the process the trader is entitled to a refund of the excess of VAT incurred over that collected. Separate figures are not available for input VAT on goods that were subsequently sold at a discount because traders' VAT returns show only the total input VAT and the total output VAT for the period covered by the return.

### Tax Collection

161. **Deputy Edward O'Keeffe** asked the Minister for Finance if he will investigate the withdrawal of a specific allowance in respect of a person (details supplied) in County Cork with a view to having it re-instated. [2184/11]

**Minister for Finance (Deputy Brian Lenihan):** The position is that the number of tax years for which tax relief is available on the interest paid on qualifying home loans is confined to the first 7 tax years of the mortgage in accordance with the Finance Act 2009. I am advised by the Revenue Commissioners that in this instance, the loan in question was taken out in 2002. The person concerned is no longer entitled to mortgage interest relief and cannot, therefore, have the relief reinstated.

### Decentralisation Programme

162. **Deputy Michael Creed** asked the Minister for Finance if he will provide details regarding contractual arrangements entered into by him arising from the proposal to decentralise Government offices to a location in County Cork (details supplied); if the site in question has been paid for, if so the amount paid; and if he will make a statement on the matter. [2222/11]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** The proposed decentralisation to Kanturk, County Cork, is scheduled to be reviewed by the Government in 2011. The Commissioners of Public Works have not entered into any contractual arrangements concerning the proposal to decentralise Government offices to Kanturk. In this regard, neither a site has been purchased nor money paid.

### Bank Guarantee Scheme

163. **Deputy Joan Burton** asked the Minister for Finance the total redemptions of senior, unsecured, unguaranteed debt at each of the credit institutions subject to the eligible liabilities guarantee on a monthly basis for each month from October 2010 to December 2011; and if he will make a statement on the matter. [2380/11]

**Minister for Finance (Deputy Brian Lenihan):** The total unguaranteed senior, unsecured debt redeemed by the covered institutions in December 2010 was €935m. I am waiting for information from the Central Bank for October and November 2010 which I will forward on to the Deputy when I receive it. The total unsecured, unguaranteed senior bond debt in the covered institutions due to mature in 2011 is €8.3 billion. Due to considerations relating to commercial and market sensitivity and confidentiality consideration to which the Central Bank is subject in relation to the disclosure of regulatory information, it is not possible to provide a breakdown of the information as requested by the Deputy.

164. **Deputy Joan Burton** asked the Minister for Finance the total redemptions of senior, unsecured, unguaranteed debt at Anglo Irish Bank during January 2011; the total outstanding senior, unsecured, unguaranteed debt at Anglo Irish Bank at end January 2011; and if he will make a statement on the matter. [2381/11]

**Minister for Finance (Deputy Brian Lenihan):** The information requested by the Deputy is as follows. The total redemptions of senior unsecured unguaranteed debt at Anglo Irish Bank during January 2011 is €805 million. The total outstanding senior unsecured unguaranteed debt at Anglo Irish Bank at end January 2011 (as at close of business on 31 January 2011) is expected to be €3.15 billion. Please note that the amounts provided are EUR equivalent and are based on exchange rates as of 31 December 2010.

### Job Creation

165. **Deputy Michael Creed** asked the Minister for Finance the job creation initiatives contained in budget 2011; and if he will make a statement on the matter. [2392/11]

**Minister for Finance (Deputy Brian Lenihan):** The National Recovery Plan outlines the measures necessary to put the public finances in order. It also identifies the areas of economic activity that will provide growth and employment in the next phase of our economic development and specifies the reforms the Government will implement to accelerate growth in these key sectors. The essential conditions for growth are either already in place, or policies to achieve them are being pursued.

A range of specific policy actions will further support the process of recovery. These can be broadly categorised as follows:

- labour market reforms to remove barriers to employment and disincentives to work,
- reforms to improve the non-labour elements of cost competitiveness, and
- supportive sectoral policies to assist recovery across the enterprise base.

These policy actions will support the export recovery, which can, in turn, deliver high value employment and act to stimulate the domestically trading sectors of the economy. Given that Ireland is a small open economy, sustainable growth in the long-term must be export-led.

Budget 2011 progressed specific policy measures to improve the environment for job creation as the economy improves. These include:

- The commitment to maintain the 12.5% corporation tax rate;
- The extension of the three year corporation tax exemption for start up companies commencing a new trade in 2011 and the linking of the relief to the amount of employers PRSI paid by a company;
- The continued investment in industry by the development agencies, including EI, IDA, SFI and the County Enterprise Boards;
- An additional 15,000 activation places and supports being provided, through the National Employment Action Plan, to ensure that the unemployed have the opportunities for education, training and work experience;
- The extension of the Employer Job (PRSI) Incentive Scheme to the end of 2011;
- The transformation of the Business Expansion Scheme into an Employment and Investment scheme;
- The reduction in the air travel tax to €3 from March 1, 2011.

### Registration of Title

166. **Deputy Joanna Tuffy** asked the Minister for Finance the position regarding an application by Fingal County Council for a deed of waiver in its favour for land (details supplied) in County Dublin, which is currently being dealt with by the Chief State Solicitor's office; and if he will make a statement on the matter. [2395/11]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** In September 2008, The Chief State Solicitor's Office requested Fingal County Council to submit the appropriate Folio and File Map pertinent to this matter. These documents, which are still awaited, are required to progress this application.

### Tax Code

167. **Deputy Michael Creed** asked the Minister for Finance the liability for inheritance tax on the transfer of an agricultural holding to a nephew who has the required agriculture education benefit from concessions in this area; and if he will make a statement on the matter. [2435/11]

**Minister for Finance (Deputy Brian Lenihan):** A transfer of farmland may give rise to tax liabilities under Capital Acquisitions Tax, which includes inheritance tax (CAT), Capital Gains Tax (CGT) and Stamp Duty. CGT is payable by the person disposing of the land while CAT and Stamp Duty are payable by the person receiving the land. However, a number of generous reliefs and allowances reduce the tax burden in such cases. The educational qualifications held by the person receiving the land are not relevant to the liability to CAT or CGT, but they may be relevant to the liability to Stamp Duty.

#### *Capital Acquisitions Tax (CAT)*

I am informed by the Revenue Commissioners that for the purposes of CAT (gift and inheritance tax), the relationship between the person who provided the gift or inheritance (i.e. the disponent) and the person who received the gift or inheritance (i.e. the beneficiary), determines the maximum tax-free threshold- known as the "Group threshold" below which gift or inheritance tax does not arise.

There are three group tax-free thresholds based on the relationship of the beneficiary to the disponent. The tax-free threshold that applies is the specific tax-free threshold for the year in which the gift or inheritance is received. The current tax-free thresholds are as follows:

*Group A: €332,084* — applies where the beneficiary is a child (including adopted child, step-child and certain foster children) or minor child of a deceased child of the disponent. Parents also fall within this threshold where they take an inheritance of an absolute interest from a child.

*Group B: €33,208* — applies where the beneficiary is a brother, sister, a nephew, a niece or lineal ancestor or lineal descendant of the disponent.

*Group C: €16,604* — applies in all other cases.

Gifts or inheritances received by a beneficiary from within the same group threshold are aggregated for the purposes of determining whether any tax is payable on the current benefit. Tax at the rate of 25% is payable once the relevant tax-free threshold is exceeded.

Where an agricultural holding is transferred to a nephew/niece, either by way of gift or by way of inheritance, two separate important reliefs from CAT may also apply, apart from the

nephew's/niece's normal tax-free threshold, which is the Group B threshold of €33,208. Qualifying farmers can avail of agricultural relief, which reduces the value of the agricultural holding by 90% for tax purposes. In order to qualify for agricultural relief, 80% of a farmer's assets, after having received the gift or inheritance, must consist of qualifying agricultural assets.

Also, a nephew/niece who receives a gift or inheritance is entitled to the Group A tax-free threshold of €332,084 rather than the Group B tax-free threshold of €33,208 provided certain conditions are fulfilled. These conditions are that the nephew/niece has worked substantially on a full-time basis for the disponent in the five years prior to the transfer of the agricultural holding in assisting the disponent in the running of the agricultural business.

Overall, therefore, if a nephew/niece qualifies for both agricultural relief and the relief for nephews/nieces, then the nephew/niece could take a gift or inheritance of an agricultural holding up to the value of €3,320,840 before incurring any liability to CAT and assuming that the nephew/niece had received no previous gifts or inheritances from within the same group.

As noted above, the qualifications held by the nephew are not relevant to his CAT liability.

### *Stamp Duty*

Section 81AA of the Stamp Duties Consolidation Act 1999 provides for an exemption from stamp duty on the transfer of an agricultural holding to a farmer who is under 35 years of age and who is the holder of certain educational qualifications which are listed in Schedule 2B of the Act. Where the exemption does not apply, Stamp Duty is chargeable on the market value of the land transferred. The rates of Stamp Duty which apply are set out in the Table below. The Stamp Duty payable is reduced by 50% where the transferee is a nephew/niece of the transferor.

Market Value	Rate of Duty
Up to €10,000	Exempt
€10,001 to €20,000	1%
€20,001 to €30,000	2%
€30,001 to €40,000	3%
€40,001 to €70,000	4%
€70,001 to €80,000	5%
Over €80,000	6%

### *Capital Gains Tax (CGT)*

There are also capital gains tax implications of such a transfer but there may be an entitlement to retirement relief. No capital gains tax will arise if a farmer who is aged 55 years or more and has owned and worked the land for the ten years preceding the disposal, transfers it to a nephew/niece who has worked substantially on a full time basis for the five years prior to the disposal in carrying on, or assisting in carrying on, the farming activity of the farmer.

If the farmer otherwise qualifies for retirement relief, but the nephew/niece does not meet the requirements above, then the transfer is relieved from CGT if the market value of the land does not exceed €750,000 (assuming no previous disposals to which the relief has applied). If there is no entitlement to retirement relief, then CGT is calculated on the market value of the land transferred in the normal way. The current CGT rate is 25%.

### National Recovery Plan

168. **Deputy Leo Varadkar** asked the Minister for Finance if he has provided for potential revenues from the auctioning of emissions trading scheme carbon permits from 2012 in his revenue projections in the four year plan; and if he will make a statement on the matter. [2437/11]

**Minister for Finance (Deputy Brian Lenihan):** I can confirm that potential revenues from auctioning of carbon allowances from 2012 have been included in projections under the four year plan. In a previous reply to the Deputy (43455/10) I detailed the possible revenues on the basis of an estimated carbon price, however, as with any market-based instrument, this is subject to significant uncertainty.

### Freedom of Information

169. **Deputy Lucinda Creighton** asked the Minister for Finance the amount of freedom of information requests received from members of the public in each of the years 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010; the number of requests that were processed; the number that were rejected in each year; and if he will make a statement on the matter. [2654/11]

**Minister for Finance (Deputy Brian Lenihan):** The number of Freedom of Information requests received by my Department and the number of those refused for the years 2000 to 2010 is set out in the attached table. The total number of requests refused in 2010 is not yet to hand but 20 requests were refused up to the end of August 2010. I will provide the Deputy with the end-year figure when it becomes available to me. My Department is committed to providing an efficient and helpful response to Freedom of Information requests and to assisting all requesters with their information inquiries.

FOI Requests 2000-2010

Year	Requests Received	Requests Refused
2000	342	48
2001	326	41
2002	326	43
2003	305	49
2004	78	11
2005	93	12
2006	72	6
2007	66	1
2008	180	15
2009	283	33
2010	337	
TOTAL	2,408	259

### Ministerial Staff

170. **Deputy Lucinda Creighton** asked the Minister for Finance the name of each non-Civil Service adviser employed by him in the years 2009, 2010 and to date in 2011; each adviser's salary, expenses claims and job title in each year; and if he will make a statement on the matter. [2662/11]

**Minister for Finance (Deputy Brian Lenihan):** Since my appointment as Minister for Finance on 7 May 2008 the relevant staffing details are as follows:

Name	Title	Salary Range	Expenses*
Alan Ahearne	Special Advisor	€131,308 per annum	2009 – €423.02 2010 – €1,330.38 2011 – nil
Cathy Herbert	Special Advisor	€84,066 – €103,982	2009 – nil 2010 – nil 2011 – nil

\*These figures include travel and subsistence.

### Official Travel

171. **Deputy Lucinda Creighton** asked the Minister for Finance if he will provide details of any foreign trips made by him in the year 2010 and to date in 011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the exact mode of ground transportation used; the name of each hotel and the nature of the entertainment for which the expenses were incurred; and if he will make a statement on the matter. [2677/11]

173. **Deputy Lucinda Creighton** asked the Minister for Finance if he will provide details of hotel accommodation used by him within the State while on ministerial duties in the years 2009, 2010 and to date in 2011; the name of each hotel in which he stayed; the costs associated with each stay and the purpose of each trip; and if he will make a statement on the matter. [2722/11]

**Minister for Finance (Deputy Brian Lenihan):** I propose to take Questions Nos. 171 and 173 together.

The details requested in relation to foreign trips made by me in the year 2010 and to date in 2011 is provided in the table below.

Date	Venue	Purpose	Ground Transport & type	Hotel used and costs
Feb. 14-16 2010	Brussels	Eurogroup & ECOFIN	Ambassador's Car	Crowne Plaza Hotel costing €159
March 15-16 2010	Brussels	Eurogroup & ECOFIN	Car hire costing €180	none required
May 9 2010	Brussels	Meeting of EU Finance Ministers	Car Hire costing €340	none required
May 21 2010	Brussels	Meeting of Von Rompuy Task Force	Car Hire costing €225	none required
June 7 2010	Luxembourg	Eurogroup & Meeting of Von Rompuy Task Force	Car Hire costing €214	none required
Sept. 6-7 2010	Brussels	ECOFIN & Task Force Meeting	no details	none required
Sept. 22 2010	Brussels	Meeting with Comm Rehn	no details	none required
Oct. 7-13 2010	Washington & New York	IMF/World Bank Meetings & NTMA Events	Car Hire costing €688	Fairfax Hotel (Washington) costing €832.75 & The Phillips Club (New York) costing €829.34
Oct. 25 2010	Brussels	Meeting with Comm Rehn	Car Hire costing €180	none required
Nov. 16-17 2010	Brussels	Eurogroup & ECOFIN	Car Hire not available	none required
Jan. 17 2011	Brussels	Eurogroup	Car Hire not available	none required

[Deputy Brian Lenihan.]

The Government Jet was used for all of these trips, the costs were met by the Department of Defence.

I stayed in two hotels within the State in the course of my Ministerial duties. On 21 July 2009 I addressed the Magill Summer School in Donegal and the accommodation provided for me at the Highlands Hotel. Glenties, was paid for by the organisers of the event. On 22 August 2010 I addressed the Beal na Blath Commemoration in Cork and on that occasion I paid for my own accommodation.

172. **Deputy Lucinda Creighton** asked the Minister for Finance if he will provide details of any foreign trips made by officials in his Department in the years 2009, 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of the entertainment for which expenses were incurred; and if he will make a statement on the matter. [2692/11]

174. **Deputy Lucinda Creighton** asked the Minister for Finance if he will provide details of any foreign trips made by officials in public bodies under the remit of his Department in the years 2009, 2010 and to date in 2011, the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of entertainment for which expenses were incurred; and if he will make a statement on the matter. [2737/11]

**Minister for Finance (Deputy Brian Lenihan):** I propose to take Questions Nos. 172 and 174 together.

In the period in question there were approximately some 1,078 foreign flight undertaken on commercial airlines by officials of my Department. Given the volume involved, it is not possible in the time available to provide the range of information sought by the Deputy in respect of each journey. However the following table gives details of the total annual costs in relation to flights undertaken in the years 2009, 2010 and to date in 2011.

Year	No of foreign flights	Cost of flights	Hotel Costs	Taxi Costs	Public Transport costs	Other expenses
		€	€	€	€	€
2009	566	122,225	54,247	17,254	5,650	2,827
2010	506	132,367	48,511	14,055	5,013	2,794
2011 Ytd	6	927	860	281	28	23

In relation to the flight costs, a portion of this money is recoupable from EU and other International organisations. Details in respect of usage of the Government jet are a matter for my colleague, the Minister for Defence.

Details in respect of bodies under the aegis of my Department are as follows.

## Revenue Commissioners

Year	No. of flights	Cost of flights	Transportation costs inclusive of Taxis	Hotel Accommodation
		€	€	€
2009	839	24,2618	12,747	237,213
2010	685	202,088	11,296	200,502
2011 Ytd	11	11,878	74	1,273

A significant element of the flight costs are recouped from the EU

## State Laboratory

Year	No. of flights	Cost of flights	Transportation costs Including Taxis	Hotel Accommodation
		€	€	€
2009	41	9,821	1,082	15,605
2010	35	9,530	1,099	13,343
2011 Ytd	1	141	10	471

Some of the flight costs were recoupable from EU organisation.

## Public Appointments service

Year	No of flights	Cost of flights	Transportation costs Including Taxis	Hotel Accommodation
		€	€	€
2009	8	1,645	0	1,169
2010	5	552	200	723
2011 Ytd	0	0	0	0

## Valuation Office

Year	No of flights	Cost of flights	Transportation costs Including Taxis	Hotel Accommodation
		€	€	€
2009	16	1,888	0	607
2010	9	736	0	964
2011 Ytd	0	0	0	0

## Office of the Ombudsman

Year	No of flights	Cost of flights	Transportation costs Including Taxis	Hotel Accommodation
		€	€	€
2009	46	11,551	792	4,959
2010	30	6,315	916	4,385
2011 Ytd	0	0	0	0



[Deputy Brian Lenihan.]

*National Treasury Management Agency (including in relation to the NPRF, NDFAs and NAMA).*

The National Treasury Management Agency have provided the following information in relation to foreign travel undertaken in 2009, 2010 and to date in 2011.

Year	Cost of flights	Accommodation, Meals, Taxis etc*
	€	
2009	144,566	60,950
2010	264,272	64,626
2011 Ytd	0	0

\*Includes some domestic expenses as the NTMA accounting system does not split such expenses between those incurred in Ireland and those incurred abroad.

*Question No. 173 answered with Question No. 171.*

*Question No. 174 answered with Question No. 172.*

### **Public Service Staff**

175. **Deputy Arthur Morgan** asked the Minister for Finance the number of persons employed by the State earning less than €20,000 per year; the number of persons employed by the State earning less than €30,000 per year; and if he will make a statement on the matter. [2785/11]

176. **Deputy Arthur Morgan** asked the Minister for Finance the numbers of public sector workers earning less than €20,000, €30,000, €40,000, €50,000, €60,000, €70,000, €80,000, €90,000 and €100,000 and earning more than €100,000 per annum. [2786/11]

177. **Deputy Arthur Morgan** asked the Minister for Finance the numbers of public sector workers earning less than €20,000, €30,000, €40,000, €50,000, €60,000, €70,000, €80,000, €90,000 and €100,000 and earning more than €100,000 per annum excluding various forms of income from public sources to groups that would not normally be regarded as being employed within the public service, for example, persons receiving fees and those on the State boards; and if he will make a statement on the matter. [2787/11]

178. **Deputy Arthur Morgan** asked the Minister for Finance the number of public servants earning more than €100,000, €120,000, €150,000, €200,000, €250,000, €300,000, €350,000, €400,000, €450,000 and €500,000 respectively; and if he will make a statement on the matter. [2788/11]

**Minister for Finance (Deputy Brian Lenihan):** I propose to take Questions Nos. 175 to 178, inclusive, together.

I am informed by the Revenue Commissioners that the latest relevant sector-based information available on employees taxed under the PAYE system is derived from income tax returns filed for the income tax year 2008 and represents about 96 per cent of all returns expected at the time the data were compiled for analytical purposes. The figures include PAYE taxpayers who are required to return an income tax return Form 11 where non-PAYE income is greater than €3,174, it does not segregate earnings from public sources and those from other sources. Therefore, the earnings figures shown may include income from non public-sector sources.

The data also includes various forms of income from public sources to groups that would not normally be regarded as being employed within the public service, e.g. those receiving fees,

those on State Boards etc. On the basis of the available tax-based data it is not possible to identify and exclude income from public sources to groups that would not normally be regarded as employed within the public service or to distinguish the earnings of employees associated with atypical work patterns. Accordingly, it is likely that the number of lower paid public servants is overstated. On this basis the total numbers of public sector employees, and the breakdown of those numbers by income ranges, is set out as follows.

## Income Tax Year 2008

Range of Gross income	Public Sector Employees* Total Number
€0 – €20,000	110,663
€20,001 – €30,000	68,447
€30,001 – €40,000	70,191
€40,001 – €50,000	60,831
€50,001 – €60,000	38,797
€60,001 – €70,000	25,092
€70,001 – €80,000	17,338
€80,001 – €90,000	12,178
€90,001 – €100,000	8,058
€100,001 – €120,000	9,738
€120,001 – €150,000	6,176
€150,001 – €200,000	2,619
€200,001 – €250,000	737
€250,001 – €300,000	382
€300,001 – €350,000	256
€350,001 – €400,000	135
€400,001 – €500,000	102
Over €500,000	87
Totals	431,827

179. **Deputy Arthur Morgan** asked the Minister for Finance the salaries of judges; the number of judges earning more than €100,000; and if he will make a statement on the matter. [2789/11]

**Minister for Finance (Deputy Brian Lenihan):** There are currently 146 members of the Judiciary. Details of annual salary rates payable to members of the Judiciary are set in the following table.

Position	€
Chief Justice	295,916
President, High Court	274,779
Judge, Supreme Court	257,872
President, Circuit Court	249,418
Judge, High Court	243,080
President, District Court	183,894
Judge, Circuit Court	177,554
Judge, District Court	147,961

[Deputy Brian Lenihan.]

As part of Budget 2011, I indicated that legislation will be brought forward to provide that the salaries for future appointments to the judiciary will be reduced by at least 10% with a maximum salary cap of no greater than €250,000 p.a.

### Departmental Bodies

180. **Deputy David Stanton** asked the Minister for Finance, further to Parliamentary Question No. 140 of 12 January 2011, the number of times the working group established to develop a structured and coherent approach to the further management and development of the former Irish Ispat site at Haulbowline, County Cork, has met; the dates of any such meetings; and if he will make a statement on the matter. [2790/11]

**Minister of State at the Department of Finance (Deputy Martin Mansergh):** The Working Group, established by Government, to develop a structured and coherent approach to the further management and development of the former Irish ISPAT site at Haulbowline, County Cork, met on four occasions in 2010. The dates of these meetings were as follows: 5 April, 31 May, 4 November & 16 December. In addition to these meetings, the Chair, on behalf of the Working Group, met with a number of interested stakeholders on the 1 September 2010 and 11 October 2010. Furthermore, there have been two site visits conducted on the 31 May 2010 and 11 October 2010.

### Inter-Country Adoptions

181. **Deputy Michael Ring** asked the Minister for Health and Children the legal position between Ireland and Belarus in relation to adoption. [2105/11]

215. **Deputy Michael Ring** asked the Minister for Health and Children the legal position between Ireland and Belarus in relation to adoption. [2104/11]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I propose to take Questions Nos. 181 and 215 together.

Belarus has ratified the Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption. The Adoption Act, 2010, commenced on 1st November 2010. This coincided with Ireland's formal ratification of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. All inter-country adoption arrangements are now governed by the terms of the Adoption Act, 2010, and all adoptions from a Hague country must be compliant with the rules set out in the Hague Convention.

### Child Care Services

182. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if a child aged four at next birthday and enrolled for primary school in September 2011 can avail of the early school educational subsidy in January 2011; and if she will make a statement on the matter. [2431/11]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I have responsibility for implementing the free Pre-School Year in Early Childhood Care and Education (ECCE) scheme, which provides for a free pre-school year to eligible children in the year before they commence primary school.

Children qualify for the free pre-school year where they are aged more than 3 years 2 months and less than 4 years 7 months in September of the relevant year. This means that children born between 2 February 2006 and 30 June 2007 are eligible for the free pre-school year which

commenced in September 2010 and children born between 2 February 2007 and 30 June 2008 will be eligible in September 2011. Only children who are in the eligible age range at the commencement of the school year can enrol for the free pre-school provision during that school year. The child in question will be eligible in September 2011 but if the parents decide to send the child to primary school at that time s/he will not be able benefit from the ECCE scheme.

The objective of the ECCE scheme is to make early learning in a formal setting available to all children in the year before they commence primary school. Services participating in the pre-school year are expected to provide appropriate age related activities and programmes to children within a particular age cohort. It is necessary, therefore, to target the pre-school year at a particular age cohort and to set minimum and maximum limits to the age range within which children participate in the scheme. In setting the minimum and maximum age limits, account was taken of a number of factors, including the variation in school admission policies and the fact that the majority of children commence primary school between the ages of 4 years 6 months and 5 years 6 months.

### **Food Safety**

183. **Deputy Andrew Doyle** asked the Minister for Health and Children if prosecutions have been initiated in relation to infringements of the food safety regulations concerning display and information on gas flushed chicken fillets and her views regarding the lack of public information on the safety of gas flushed chicken fillets and the handling of this product. [2500/11]

**Minister for Health and Children (Deputy Mary Harney):** All chicken fillets sold in Ireland must comply with the European Community's stringent food safety and labelling requirements. Food Business Operators are responsible for producing safe food and labelling safe food in compliance with food safety legislation. The Food Safety Authority of Ireland (FSAI) in conjunction with its official agencies carries out official controls in retail butcher shops and supermarkets to ensure chicken fillets are labelled in accordance with the law and to ensure that the consumer is fully informed about the product they are buying and are not misled. The FSAI has produced guidance for industry, enforcement officers and the public regarding food labelling requirements. This information is available on the Authority's website. In addition, the Authority has advice available to consumers about safe handling practices for raw meat and poultry.

In 2010, the Food Safety Authority of Ireland (FSAI) in conjunction with the HSE Environmental Health Service conducted a survey into the microbiological quality of raw chicken fillets that were distributed to butchers in gas flushed bulk packs and are sold loose to the consumer. The survey found that the majority of butchers (92%) stored chicken fillets at the recommended temperature of 5 degrees or cooler. 8% did not provide a use-by date as required. The results indicated that certain chicken fillets may be a cause for concern with respect to spoilage as the use-by date was unrealistically long for the product to remain unspoiled in the consumer's fridge. No prosecutions have been taken to date. Environmental Health Officers of the HSE followed up on non compliant samples with retailers and continue to monitor compliance.

### **Health Services**

184. **Deputy Charles Flanagan** asked the Minister for Health and Children the funding made available to the national counselling service per annum since 2000; and if she will make a statement on the matter. [2013/11]

185. **Deputy Charles Flanagan** asked the Minister for Health and Children the number of new referrals to the national counselling service per annum since 2000; and if she will make a statement on the matter. [2014/11]

186. **Deputy Charles Flanagan** asked the Minister for Health and Children the number of persons waiting to access the national counselling service; the total number of persons waiting up to three months to access the service, between three months and six months; between six months and 12 months; 12 months and more; and if she will make a statement on the matter. [2015/11]

187. **Deputy Charles Flanagan** asked the Minister for Health and Children the number of persons employed by the national counselling service; and if she will make a statement on the matter. [2016/11]

188. **Deputy Charles Flanagan** asked the Minister for Health and Children the number of permanent and temporary vacancies in the national counselling service; and if she will make a statement on the matter. [2017/11]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** I propose to take Questions Nos. 184 to 188, inclusive, together.

As these are service matters they have been referred to the HSE for direct reply.

#### **Health Service Staff**

189. **Deputy Charles Flanagan** asked the Minister for Health and Children if the national counselling service is exempt from the public service moratorium; and if she will make a statement on the matter. [2018/11]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The National Counselling Service (NCS) is a professional, confidential counselling and psychotherapy service available free of charge in all regions of the Health Services Executive. The client group of the NCS includes adults who have experienced trauma and abuse in childhood, with priority given to adult survivors of institutional abuse in Ireland. The HSE has given priority in its National Service Plan to the provision of counselling services to those affected. The HSE's Employment Control Framework exempts the counsellor grade from the current public sector moratorium on recruitment and filling of vacancies.

#### **Children in Care**

190. **Deputy Charles Flanagan** asked the Minister for Health and Children if the Ryan report implementation plan action number 12, whereby the Health Service Executive will develop a national specialist multi-disciplinary team for children in special care and detention by July 2010 has been implemented; the estimated cost of implementing this recommendation; and if she will make a statement on the matter. [2019/11]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The HSE Service Plan for 2011 includes a commitment to the establishment of multi-disciplinary assessment services for children and young people at risk, and development of a multi-disciplinary team for children in care and detention (with Irish Youth Justice Service). The full year cost has been calculated at €3m and funding is provided from the service plan.

The Service Plan commitment arises from Action 12 of the Commission to Inquire into Child Abuse 2009 Implementation Plan, which states that the HSE will develop a national specialist multi-disciplinary team for children in detention and special care in consultation with the Irish Youth Justice Service (IYJS). In addition Action 15 states that the HSE will review need, and establish resourced multi-disciplinary assessment teams for children and young people at risk. A multi-disciplinary Working Group representing the HSE and the Irish Youth Justice Service

was established in 2010 to progress implementation of the commitment. The Group reported in 2010.

The proposal of the Working Group recommends developing a four-pronged model comprising:

1. A national assessment and intervention service for children at risk.
2. On-site therapeutic services for high support and special care units.
3. On-site therapeutic services for children detention schools.
4. A parallel development of a forensic child and adolescent mental health service (CAMHS) for children and young people with significant mental health needs requiring more specialist input.

Recruitment of staff for the service has commenced with priority being given to the provision of psychological services. The HSE has committed to the recruitment of additional posts to the service in the coming months.

### Health Service Staff

191. **Deputy Charles Flanagan** asked the Minister for Health and Children the number of social workers employed by the State on both a temporary and permanent basis; and if she will make a statement on the matter. [2020/11]

**Minister for Health and Children (Deputy Mary Harney):** The Employment Control Framework 2011-2014 for the health sector gives effect to the Government policy on employment in the public sector, which includes the moratorium on recruitment and promotion. However, the Framework does allow for the filling of certain exempted grades, including social workers, and there are also grades/posts to which special provisions apply. In addition, the Health Service Executive can also make exceptions to the moratorium on recruitment under certain conditions.

The number of social workers employed in the public health service at the end of November 2010 (the latest data available), based on the categories of employment as recorded on the health service personnel census, is as follows:

Numbers of social workers employed in the public health service, by contract type, as at November 2010

WTE Permanent	WTE Job-Sharing	WTE Temporary	WTE Locum	WTE Part-Time	WTE Sessional	WTE Training	Total WTE excl. Career Break
2,091.55	37.28	101.16	6.60	153.86	0.57	0.00	2,391.02

### Children in Care

192. **Deputy Charles Flanagan** asked the Minister for Health and Children the amount of funding required to implement the Report of the Commission to Inquire into Child Abuse, 2009 Implementation Plan; the amount of funding allocated to date; and if she will make a statement on the matter. [2021/11]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** Additional funding of €15m was provided in 2010 to progress the Implementation Plan approved by Government following the publication of the Report of the Commission to Inquire into Child Abuse. This funding forms part of the HSE base funding provision for 2011 and is,

[Deputy Barry Andrews.]

therefore, available again in the current year. In addition, a further amount of €9m has been provided in 2011. This additional funding serves to highlight the priority attached by Government to the full implementation of the actions identified in response to the Commission's Report.

The need for additional funding to implement the Report will be considered having regard to a range of issues, including efficiencies to be achieved by the HSE through the restructuring of the children and families service generally.

### Child Care Services

193. **Deputy Charles Flanagan** asked the Minister for Health and Children the number of children's services committees established to date; the location of these committees; and if she will make a statement on the matter. [2022/11]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** Children's Services Committees (CSCs) are part of what is known as the *Working Together for Children* initiative. The first phase included four CSCs which are located in Dublin City, South Dublin, Donegal and Limerick City. These are implementing work plans which they have already agreed. A further six CSCs in the following locations are at different stages of development: Fingal; Kildare; Longford/Westmeath; Kerry; Louth and Carlow. It is hoped that all ten CSCs will have workplans or revised plans agreed by June 2011. It is anticipated that a third phase of CSCs will begin preparatory work in 2011.

The national social partnership agreement *Towards 2016* outlines a framework on the needs of children and young people and the establishment of the National Children's Strategy Implementation Group (NCSIG). This high-level group is chaired by the Office of the Minister for Children and Youth Affairs (OMCYA). The vision of the NCSIG is that children, young people and their families will receive the support and services they need to create better futures for children, through all local agencies and organisations working together. The aim is to avoid duplication of effort, support sensible collaboration in service delivery and also provides an opportunity for agencies to assess the gaps sometimes caused by agency or service boundaries.

The model for integrated service delivery is being developed through the establishment of Children's Services Committees (CSCs) on a phased basis. All organisations and agencies working locally on behalf of children and young people are represented on the Children's Services Committees or sub committees.

### Health Services

194. **Deputy Charles Flanagan** asked the Minister for Health and Children if she will provide detail on the location where the out-of-hours social work crisis intervention services operate; the estimated cost to roll out an out-of-hours service nationally; the consultation that has taken place with the social work profession; if the Croke Park agreement provides for any development in this area; and if she will make a statement on the matter. [2023/11]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** The HSE provides out-of-hours services:

- (a) In the greater Dublin area through the Crisis Intervention Service (CIS) and
- (b) Outside the greater Dublin area through the Emergency Place of Safety Service

The CIS provides an out-of-hours emergency social work service to young people aged under 18 years who are in crisis in ten Local Health Offices in the Eastern region. The CIS comprises the following:

- Day social work team
- Emergency social work service which is available from Monday to Sunday between 6pm and 6am and each Saturday / Sunday / Public Holiday between 9am and 5pm.
- Night reception centre
- Emergency Foster Care families
- Emergency residential beds
- After care support flats
- Crisis Intervention Partnership delivered in partnership between the HSE and Focus Ireland.

Referrals to the CIS are received by telephone from service providers working at night i.e. Gardai / Hospitals / Ambulance service.

In June 2009, the HSE established the Emergency Place of Safety service whereby Gardai can access an appropriate place of safety for children found to be at risk out of hours under section 12 of the Child Care Act 1991. This service provides a standardised response across the country for children who can be placed in a family setting. This service operates outside the Eastern region as these are served by the CIS.

In addition to the above the HSE Service Plan for 2011 includes a commitment to pilot and evaluate out-of-hours social work services in two areas (Donegal and Cork). Work is at an advanced stage in the development of these pilot projects with discussions underway with staff representatives in this regard. The Croke Park agreement provides a context for these discussions. A decision on progression to a national roll-out of the out-of -hours social work service will take place in the context of the evaluation of these two pilot projects and other relevant data from the other out-of-hours services. The estimated cost of developing the service nationally will also be informed by the pilot process.

### Medical Cards

195. **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. [2025/11]

**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.

196. **Deputy Seán Sherlock** asked the Minister for Health and Children when a decision will issue on an application for a medical card in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [2033/11]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Health Services

197. **Deputy Edward O’Keeffe** asked the Minister for Health and Children the position regarding an application in respect of a person (details supplied) in County Cork. [2034/11]



**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

198. **Deputy Seán Sherlock** asked the Minister for Health and Children when a decision will issue on an application for a medical card in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [2037/11]

**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.

199. **Deputy Seán Sherlock** asked the Minister for Health and Children when a decision will issue on an application for a medical card in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [2039/11]

**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.

#### Accident and Emergency Services

200. **Deputy Finian McGrath** asked the Minister for Health and Children the action she will take to deal with the crisis at the accident and emergency departments in hospitals. [2043/11]

**Minister for Health and Children (Deputy Mary Harney):** The waiting times for patients attending emergency departments in many hospitals during the first week of January were unacceptable and I very much regret the delays that patients experienced. I met with the HSE last week to discuss the situation and to review its plans for ensuring that this situation does not recur. The HSE has assured me that it will take all possible steps to improve waiting times in emergency departments, so that all patients are assessed, treated and discharged or admitted without unnecessary delay.

The HSE has taken specific steps to cope with the increase in activity that is normally experienced at this time of year. These include curtailing elective surgery and opening beds which are normally closed for seasonal reasons. Other actions taken by hospitals include increasing the number of ward rounds to ensure that any patients who are ready to go home are discharged, with support as necessary from community-based services.

Hospitals are also ensuring that discharges are carried out early in the morning and over the weekend, to make beds available for patients being admitted through their emergency departments. In addition, the HSE is working to have senior clinical decision makers and diagnostic services speedily available for emergency department needs. The HSE has also provided for increased GP out-of-hours services through the expansion of the GP co-ops.

The HSE will continue to implement these measures as necessary under their Escalation Framework. The key to addressing the difficulties in emergency departments is to deal with the issue across the entire healthcare system. I have asked the HSE to ensure that minimising waiting times for patients in emergency departments, and the use of trolleys, is accorded a top priority.

#### Medical Cards

201. **Deputy Paul Connaughton** asked the Minister for Health and Children if it is proposed to have essential oils included under the medical card scheme; if her attention has been drawn to the fact that certain conditions can be alleviated by the use of essential oils; and if she will make a statement on the matter. [2056/11]

**Minister for Health and Children (Deputy Mary Harney):** Suppliers of drugs, medicines and medical and surgical appliances can apply to the HSE for products to be reimbursed under the General Medical Services (GMS) Scheme and the community drugs schemes. In order for a medicinal product to be considered for reimbursement it must meet specified criteria. These include the following:

- The product must be a medicinal product authorised by the Irish Medicines Board or the European Commission.
- The product must be such that it is ordinarily supplied to the public only on foot of a medical prescription.
- The product should not be advertised or promoted to the public.

The products referred to by the Deputy do not meet the above criteria.

### Health Service Staff

202. **Deputy Olivia Mitchell** asked the Minister for Health and Children the numbers employed in the Health Service Executive in September 2009 and September 2010; and if she will make a statement on the matter. [2060/11]

**Minister for Health and Children (Deputy Mary Harney):** The Government has made clear that a critical part of its strategy to restore the public finances is to achieve sustainability in the cost of delivering public services relative to State revenues. To help achieve this goal, it will be necessary to restructure and reorganise the public service and to reduce public service numbers over the coming years. This requires that the moratorium on recruitment and promotion in the health service will continue to apply until the numbers have fallen to the level set out in the Employment Control Framework 2011-2014 for the health sector. The Framework gives effect to the Government policy on employment in the public sector.

However, the Framework does allow for the filling of certain exempted grades and there are also grades/posts to which special provisions apply. In addition, the Health Service Executive can also make exceptions to the moratorium on recruitment under certain conditions. The numbers employed in the public health service (including the HSE), as at September 2009 and 2010, are as follows:

Numbers (WTE excluding career break) employed in the public health service

	30/09/2009	30/09/2010	Difference between 30/09/2009 and 30/09/2010
Health Service Executive	72,385	71,430	-956
Voluntary Agencies P&C Services	15,160	15,005	-155
Voluntary Hospitals	22,644	22,367	-277
Total	110,189	108,801	-1,388

### Community Welfare Service

203. **Deputy Pat Breen** asked the Minister for Health and Children if a person (details supplied) in Dublin 15 will be facilitated; and if she will make a statement on the matter. [2068/11]

**Minister for Health and Children (Deputy Mary Harney):** Responsibility for the Community Welfare Service has in fact already transferred to the Department of Social Protection, with effect from 1 January 2011. All HSE staff working in this Service are now seconded to that Department and will, on completion of a 9-month secondment period, become civil servants in October 2010. However, until then, these staff remain employees of the HSE. Under Section 22 of the Health Act 2004, responsibility for the management and deployment of staff resources is a matter for the Health Service Executive. As a result, this matter has been referred to the HSE for attention and direct reply to the Deputy.

### Health Services

204. **Deputy Pat Breen** asked the Minister for Health and Children the position regarding an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [2069/11]

**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

205. **Deputy Denis Naughten** asked the Minister for Health and Children the estimated cost of inspecting disability residential centres; and if she will make a statement on the matter. [2071/11]

206. **Deputy Denis Naughten** asked the Minister for Health and Children the estimated cost of inspecting disability residential centres and other disability services; and if she will make a statement on the matter. [2072/11]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** I propose to take Questions Nos. 205 and 206 together.

As the Deputy will be aware, the Health Act 2007 makes provision for the introduction inter alia of a mandatory scheme of registration and inspection of residential settings for people with disabilities and envisages a role for the Health Information and Quality Authority (HIQA) in this regard. In 2009, the cost of introducing such a scheme was estimated to be in the region of €7 million to €9 million.

*National Quality Standards: Residential Settings for People with Disabilities* have been published by HIQA and are under consideration by the Minister for Health and Children. These standards will provide a national framework for quality, safe services for adults with disabilities in residential settings. Given current fiscal constraints a move to full regulation and inspection of this sector presents significant challenges. In this context, the Department, the HSE and HIQA agreed that progressive implementation of the standards should commence on an administrative basis and become the benchmark against which the HSE assesses both its own directly operated facilities and other facilities that it funds.

Residential care services for older people have been subject to mandatory registration and inspection by HIQA since 1 July 2009. In 2010 the Department of Health and Children engaged in useful preliminary discussions with HIQA in relation to the possible extension of this model of registration and inspection to designated centres for people with disabilities and the resource implications of same. Given the complex nature of residential service provision for people with disabilities — ranging from congregated settings to dispersed housing in the community — further consideration is being given by my Department to the most appropriate models of registration and inspection and this work is ongoing.

With regard to these and all other HSE funded disability services, currently service providers are required, as part of their service level arrangements, to have systems in place to assess quality and standards and to specify the actions being taken to maintain and monitor quality and service standards. Examples of such monitoring actions could include audit tools appropriate to the service, service user evaluations and satisfaction surveys, and carer and service evaluations.

### Health Services

207. **Deputy Jan O'Sullivan** asked the Minister for Health and Children if children who have a prosthetic limb and who need a replacement on a regular basis will have it automatically sanctioned rather than having to wait each time for sanction; and if she will make a statement on the matter. [2075/11]

**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.

208. **Deputy James Reilly** asked the Minister for Health and Children the number of primary care centres planned under the primary care strategy and currently in development by the Health Service Executive; and if she will make a statement on the matter. [2078/11]

**Minister for Health and Children (Deputy Mary Harney):** The HSE has developed a generic model Primary Care Centre brief to accommodate Primary Care Teams. Approximately 270 possible locations for such centres were identified by the HSE. These were advertised in two stages in late 2007 and mid 2008. The HSE has summarised the progress to date as follows:

- Approximately 220 new primary care centres are currently under consideration.
- In 210 locations, the HSE Board has agreed to proceed with negotiations with interested parties.
- 107 centres are currently in contractual negotiations which will accommodate 137 teams.
- 12 centres procured by lease agreement are complete and in operation.
- A further 5 centres are expected to open in the first quarter of 2011.
- The HSE expects at least 115 primary care centres to be operational by 2013, supporting 160 teams.

The HSE has indicated that all these figures are approximate and that projections will change every quarter due to negotiations being progressed or finalised, projects not progressing due to various issues, including planning, banking and market issues. The HSE is continuing to develop a number of Primary Care Centres funded through its Capital Allocation. A number of these centres are at advanced stages of development.

209. **Deputy James Reilly** asked the Minister for Health and Children the cost to implement the palliative care national development framework, 2009-2013; and if she will make a statement on the matter. [2079/11]

**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.

210. **Deputy James Reilly** asked the Minister for Health and Children her plans to develop a national dementia strategy; and if she will make a statement on the matter. [2080/11]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** Dementia is a most distressing condition both for those suffering from it and their families, and presents a significant and growing challenge to health and social services. Alzheimer's disease represents about 70% of the cases of dementia. People are living longer and as a consequence are more likely to develop some form of dementia. While dementia is not solely related to age, the prevalence is higher in older people and increases with age. It is estimated that about 5% of people over 65 years of age have some form of dementia with this figure rising to 20% for people over 80 years of age. The demographic make-up of Irish society is changing. The population is growing older and the number of people aged over 65 is estimated to almost triple over the next 30 years.

As I have indicated previously, my Department has started the process of developing a policy on dementia that will support the delivery of long-term care services having regard to future demographic trends and the consequential increase in demand for long-term care. This policy will be developed on the basis of the best evidence available from national and international sources. Officials in my Department have engaged with relevant stakeholder groups on the first stage of the process which is to assemble the research and evidence upon which the policy will be developed. I expect this will be received in 2011, at which stage work on the policy will commence formally.

The Health Services Executive (HSE) is currently exploring the potential for changes in care pathways for people with dementia, and will make recommendations for the future provision of dementia care across all health and social services. An audit is at an advanced stage within the HSE of the current specialist dementia care services available both in residential/hospital and community services and it is hoped to have it completed shortly. This audit will inform future planning and development of services for people with dementia. The educational needs of staff will also be identified to inform any future staff requirements for working in the area of dementia care. This work will also feed into the overall Dementia Policy formulation.

### **Hospitals Building Programme**

211. **Deputy James Reilly** asked the Minister for Health and Children the status of the Central Mental Hospital project; the cost to develop this hospital; the way this project will be funded; and if she will make a statement on the matter. [2081/11]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** The development of the new Central Mental Hospital remains a priority for the Government and the HSE has been asked to submit a business case for the project and to explore alternative funding options to deliver the new hospital. An alternative site has been identified and preliminary discussions have taken place between the HSE and the planning authorities.

### **Hospital Waiting Lists**

212. **Deputy Michael Ring** asked the Minister for Health and Children when a person (details supplied) in County Mayo will receive an appointment for a procedure at the University College Hospital, Galway. [2099/11]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

### Health Services

213. **Deputy Pat Breen** asked the Minister for Health and Children if a person (details supplied) in County Clare will be facilitated; and if she will make a statement on the matter. [2101/11]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

214. **Deputy Pat Breen** asked the Minister for Health and Children the reason a person (details supplied) in County Clare has not been facilitated; and if she will make a statement on the matter. [2103/11]

**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.

*Question No. 215 answered with Question No. 181.*

### Cancer Screening Programme

216. **Deputy James Reilly** asked the Minister for Health and Children if she will provide details on the national breast screening programme; and if she will make a statement on the matter. [2123/11]

217. **Deputy James Reilly** asked the Minister for Health and Children her plans to expand the age range relating to the national breast screening programme; the timeframe and details for same; the estimated cost to expand this service to 70 year olds; and if she will make a statement on the matter. [2124/11]

218. **Deputy James Reilly** asked the Minister for Health and Children her plans to expand the age range relating to the national breast screening programme; if so, the timeframe and details for same; the estimated cost to expand this service to 47 year olds; and if she will make a statement on the matter. [2125/11]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Questions Nos. 216 to 218, inclusive, together.

The BreastCheck Programme was rolled out nationally at the end of 2009. The Programme provides free mammograms to all women aged 50 — 64. The *Breastcheck Programme Report 2009-2010* noted that 121,160 women were screened by BreastCheck during 2009 and early 2010 and 845 women were diagnosed with breast cancer, representing 7.0 cancers per 1,000 women screened, compared to 7.3 cancers per 1,000 in 2008. Breastcheck will be extended to women in the 65-69 age group as soon as resources and capacity allow. In the meantime women of any age who have concerns about breast cancer should seek the advice of their GP who will, if appropriate, refer them to the symptomatic breast services in one of the eight designated specialist cancer centres.

The HSE's National Cancer Screening Service (NCSS) has estimated that there are approximately 85,000 women in the age group 65-69 and that the additional cost of expanding the programme over a number of years would be around €5 million, with a capital investment of approximately €3 million. However its main priority at present is to maximise national uptake in the 50-64 year age cohort. The other priority for the NCSS is to ensure that preparatory work for the national colorectal screening programme takes place this year in order for screening to commence in early 2012 for men and women in the 60 to 69 age group.

[Deputy Mary Harney.]

The NCSS has advised that while it is well accepted that age is a risk factor for breast cancer (the older a woman is the more likely she is to get breast cancer) a woman's relative risk of dying from breast cancer after the age of 65 actually decreases. The effectiveness of screening below age 50 remains an issue of debate. Several randomised controlled trials in screening have included younger age groups but have not confirmed significant reduction in mortality in the 40-49 age group.

In 2008 the Board of the NCSS commissioned an internal review to examine the evidence for reducing the lower screening age limit from 50 to 47 years. The review concluded that while a reduction in screening age might be of some benefit to some younger women, the merits of extending the programme age range downwards from a population-based screening perspective is still a matter of debate.

### Children in Care

219. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a matter regarding the Child Care (Amendment) Bill. [2132/11]

**Minister of State at the Department of Health and Children (Deputy Barry Andrews):** After-care is recognised as a key element to achieving positive outcomes for young people leaving care, aiming to assist young people in care in bridging the transition from care to independent adult life in the community. Aftercare is provided for under Section 45 of the Child Care Act, 1991, which states:

“45.—(1) Where a child leaves the care of a health board, the board may, in accordance with subsection (2), assist him for so long as the board is satisfied as to his need for assistance and, subject to paragraph (b), he has not attained the age of 21 years.

(b) Where a health board is assisting a person in accordance with subsection (2)(b), and that person attains the age of 21 years, the board may continue to provide such assistance until the completion of the course of education in which he is engaged.

Consideration has been given to the legal position with regard to the provisions of aftercare services, having regard to the existing legislative provisions of the Child Care Act, 1991. In relation to calls from agencies to place Aftercare on a statutory footing, i.e. to amend Section 45 of the Child Care Act, 1991 from a “may” to a “shall”, the legal advice is that the Act creates a statutory power, and the HSE, as recipient of this power, must put itself in a position where it can exercise the power should the need arise. There is therefore no need to amend the Act as has been suggested. In order to ensure that there was no doubt about the matter and to emphasise the importance of aftercare services, in accordance with Section 45(4) of the Child Care Act, I wrote to the HSE in June 2010 clarifying the issue and directing the HSE to formulate and implement aftercare policies.

In accordance with the findings of the Report of the Commission to Inquire into Child Abuse, 2009, the Government prepared an Implementation Plan in July 2009 and funding of €1.0M was set aside by the HSE in its 2010 Service Plan, for the development of aftercare services in 2010. The HSE are in the process of recruiting ten additional Aftercare workers effective from 1st November, 2010 and are providing funding to the Irish Association of Young People in Care (IAYPIC) to develop a national advocacy and support service for young people in care, leaving care and aftercare.

My Office has developed proposals to ensure the implementation of Recommendation No. 16 of the Implementation Plan and a National Aftercare Policy is currently being developed to

be made widely available to the relevant care staff and service providers and will be made available on the Office of the Minister for Children and Youth Affairs website.

### Health Services

220. **Deputy Pat Breen** asked the Minister for Health and Children the position regarding an application in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [2166/11]

**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.

221. **Deputy Pat Breen** asked the Minister for Health and Children the number of children awaiting orthodontic treatment on the public health list in County Clare; the length of time they are awaiting treatment; and if she will make a statement on the matter. [2168/11]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

### Accident and Emergency Services

222. **Deputy Pat Breen** asked the Minister for Health and Children the number of patients who presented at the accident and emergency department at the Mid-Western Regional Hospital in Ennis, County Clare, from 1 January 2010 to 31 January 2011; the average waiting time for those patients; and if she will make a statement on the matter. [2169/11]

223. **Deputy Pat Breen** asked the Minister for Health and Children the number of patients who presented at the accident and emergency department at the Mid-Western Regional Hospital in Limerick from 8 a.m. to 8 p.m. from 1 January 2010 to 31 December 2010; the average waiting time for patients during this period; and if she will make a statement on the matter. [2170/11]

224. **Deputy Pat Breen** asked the Minister for Health and Children the action being taken to address the crisis at the accident and emergency department at the Mid-Western Regional Hospital in Limerick where patients are being left on trolleys for extended periods; and if she will make a statement on the matter. [2171/11]

**Minister for Health and Children (Deputy Mary Harney):** I propose to take Question Nos. 222 to 224, inclusive, together.

As these are service issues, they have been referred to the HSE for direct reply.

### Medical Cards

225. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a medical card in respect of a person (details supplied). [2176/11]

**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 Homes Support Scheme

226. **Deputy Thomas Byrne** asked the Minister for Health and Children the number of applications received to date from persons in County Meath under the new nursing home support scheme; the number of these applications that have been fully processed with the decision



[Deputy Thomas Byrne.]

issued to the applicant; the amount of money expected to be spent on the scheme in County Meath in 2010; and if she will make a statement on the matter. [2180/11]

**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.

### Social Welfare Benefits

227. **Deputy Mary Upton** asked the Minister for Health and Children if she will outline the proposed changes to applications for rent allowance; if the staff involved locally in this scheme have been notified of these changes; and if she will make a statement on the matter. [2193/11]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

### Health Services

228. **Deputy Pat Breen** asked the Minister for Health and Children if a person (details supplied) in County Clare will be facilitated; and if she will make a statement on the matter. [2202/11]

**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.

### Hospital Services

229. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children if her attention has been drawn to the fact that children originally waiting five months for an appointment at the ophthalmology clinic in Crumlin children's hospital, Dublin, are now having to wait an additional six months for their appointment due to staffing shortages and if she will make provision for additional doctors to be immediately taken on to address the shortfall, as is necessary if children are to be seen within a reasonable time frame. [2203/11]

**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.

230. **Deputy Seymour Crawford** asked the Minister for Health and Children, further to Parliamentary Question No. 142 of 15 December 2010, the number of beds lost to the hospital system in areas such as Monaghan, Dundalk, Navan, Ennis, Nenagh and so on; if she will advise on a hospital-by-hospital basis the way increased beds were provided as shown by the total number of beds available in her reply of 15 December 2010; her views on whether it is strange that there would be so many extra beds available yet so many hospitals have closed down; and if she will make a statement on the matter. [2238/11]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

### Health Services

231. **Deputy John Perry** asked the Minister for Health and Children if home help will be reinstated in respect of a person (details supplied) in County Sligo in view of the extenuating circumstances; and if she will make a statement on the matter. [2239/11]

**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.

### Hospital Waiting Lists

232. **Deputy Michael McGrath** asked the Minister for Health and Children when a person (details supplied) in County Cork will be given an outpatient appointment to see an orthopaedic consultant. [2378/11]

**Minister for Health and Children (Deputy Mary Harney):** The management of out-patient waiting lists is a matter for the HSE and the individual hospitals concerned. I have, therefore, referred the Deputy's question to the Executive for direct reply.

233. **Deputy Pat Breen** asked the Minister for Health and Children when an appointment will issue to a person (details supplied) in County Clare; and if she will make a statement on the matter. [2388/11]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

### Health Services

234. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a methadone clinic (details supplied). [2393/11]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

235. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a matter (details supplied). [2404/11]

**Minister of State at the Department of Health and Children (Deputy John Moloney):** As the Deputy's question relates to service matters, I have referred this question to the Health Service Executive for direct reply.

### Health Service Staff

236. **Deputy Terence Flanagan** asked the Minister for Health and Children the position regarding a statutory register for dental assistants; and if she will make a statement on the matter. [2422/11]

**Minister for Health and Children (Deputy Mary Harney):** The Dental Council is the statutory body responsible for the regulation of dentists. Under Section 53 of the Dentists Act, 1985, the Council may establish schemes for the recognition of grades of auxiliary dental workers with the consent of the Minister for Health and Children. Schemes have been established for Dental Nurses, Dental Hygienists, Clinical Dental Technicians and Orthodontic Therapists.

The Council is responsible for maintaining the registers of auxiliary dental workers covered by the Schemes and registration is obligatory except for those Dental Nurses whose duties do not include the taking of radiographs. The introduction of obligatory registration for all auxiliary dental workers will be considered in the context of the proposed review of the Dentists Act 1985.

### Health Services

237. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support a family (details supplied) in Dublin 17. [2446/11]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

### Health Service Staff

238. **Deputy Pearse Doherty** asked the Minister for Health and Children the number of orthodontists currently available to public patients in Letterkenny Hospital, Donegal; if she will replace the orthodontist who recently left; if her attention has been drawn to the fact that patients are now being asked to travel to Sligo to receive treatment; and if she will make a statement on the matter. [2451/11]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the HSE for direct reply.

### Drugs Payment Scheme

239. **Deputy James Reilly** asked the Minister for Health and Children the annual thresholds for the drugs payment scheme on a per annum basis from 1999 to 2010, in tabular form; and if she will make a statement on the matter. [2461/11]

**Minister for Health and Children (Deputy Mary Harney):** Under the Drugs Payment Scheme no individual or family pays more than €120 per calendar month towards the cost of approved prescribed medicines and medical appliances. The scheme is easy to use and significantly reduces the cost burden for families and individuals incurring ongoing expenditure on medicines and medical appliances. There is no annual threshold. The monthly thresholds since the scheme was introduced in 1999 are listed in the table below.

DPS Monthly Threshold	Date Effective
€	
53.33	July 1999
65.00	1 August 2002
70.00	1 January 2003
78.00	1 January 2004
85.00	1 January 2005
90.00	1 January 2008
100.00	1 January 2009
120.00	1 January 2010

### Hospital Waiting Lists

240. **Deputy Edward O’Keeffe** asked the Minister for Health and Children if she will assist in having an outpatient appointment arranged in respect of a person (details supplied) in County Cork. [2470/11]

**Minister for Health and Children (Deputy Mary Harney):** The management of outpatient waiting lists is a matter for the HSE and the individual hospitals concerned. I have, therefore, referred the Deputy’s question to the Executive for direct reply.

241. **Deputy Martin Ferris** asked the Minister for Health and Children when a person (details supplied) will receive an appointment with a dietician. [2471/11]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Health Services

242. **Deputy Martin Ferris** asked the Minister for Health and Children when a person (details supplied) in County Kerry will receive dental treatment prior to the orthodontic treatment for which they have been waiting seven years. [2473/11]

**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

243. **Deputy John Deasy** asked the Minister for Health and Children the reason homes providing short-term respite care are required to provide the same level of qualified nursing support as homes providing long-term residential care or nursing home care; her plans to change the regulations in respect of registering care homes for persons that do not require nursing care; and if she will make a statement on the matter. [2493/11]

**Minister of State at the Department of the Health and Children (Deputy Áine Brady):** It is important that we have effective mechanisms in place to maintain and enhance public confidence in the delivery of quality services. The welfare and safety of each individual resident guides us in reforming the health service and the Government place great importance on the policies, standards and legislation we are implementing. Residents, their families and the public need to be reassured that an independent regulator is monitoring the care people receive.

The Health Act, 2007 provides this, with a regime designed to protect the public 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 the Health Information and Quality Authority, for registering and inspecting all residential care settings for older people. 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 and the *National Quality Standards for Residential Care Settings for Older People in Ireland*. Our overall emphasis is on promoting a high quality individual centred service, delivered to those who require it and in the most appropriate setting. In this regard all designated centres, as defined by the Health Act 2007, providing residential services for older people, must comply with both the Regulations and Standards.

I can, however, advise the Deputy that my Department recently commenced a review of the Care and Welfare Regulations. As part of the review submissions are welcomed from any individual, group or other body who wishes to make a contribution. Closing date for receipt of submissions is Monday, 31 January 2011 and further details are available at [www.dohc.ie/consultations](http://www.dohc.ie/consultations). The issues raised in submissions, including issues specific to this type of service, will be borne in mind when carrying out this review, which is due to be completed by mid-2011.

### Hospital Waiting Lists

244. **Deputy Michael Ring** asked the Minister for Health and Children the length of time a person (details supplied) in County Mayo is on the waiting list for an appointment with a rheumatologist and the estimated timeframe in which they may expect to be called. [2498/11]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

### Consultancy Contracts

245. **Deputy Thomas P. Broughan** asked the Minister for Health and Children if the information technology system or any other element of the processing of wages and salaries within the Health Service Executive has been outsourced to any foreign country; and if she will make a statement on the matter. [2502/11]

**Minister for Health and Children (Deputy Mary Harney):** Management of the Health Service Executive's payroll is a service matter. Therefore your question has been referred to the Executive for direct reply.

### Hospital Equipment

246. **Deputy Richard Bruton** asked the Minister for Health and Children if her attention has been drawn to the fact that the breakdown of a piece of equipment in a hospital (details supplied) is causing the postponement of orthopaedic surgery for over six months now; and if she will make a statement on the matter. [2506/11]

**Minister for Health and Children (Deputy Mary Harney):** As this is a service matter, it has been referred to the HSE for direct reply.

### Ministerial Staff

247. **Deputy Lucinda Creighton** asked the Minister for Health and Children the name of each non-Civil Service adviser employed by her in the years 2009, 2010 and to date in 2011; each adviser's salary, expenses claims and job title in each year; and if she will make a statement on the matter. [2664/11]

**Minister for Health and Children (Deputy Mary Harney):** The information requested by the Deputy is set out below in tabular form. For ease of reference, I am presenting the information on a year by year basis.

Year	Name	Job Title	Salary	Expenses
2011	Patricia Ryan	Special Advisor	€138,655	—
	Derek Cunningham	Special Advisor — Press and Communications	€124,046	—

Year	Name	Job Title	Salary	Expenses
2010	Patricia Ryan	Special Advisor	€138,655	€2,636
	Derek Cunningham	Special Advisor — Press and Communications	€124,046	€3,336

Year	Name	Job Title	Salary	Expenses
2009	Patricia Ryan	Special Advisor	€150,712	€4,730
	Derek Cunningham	Special Advisor — Press and Communications	€134,384	€2,416

### Official Travel

248. **Deputy Lucinda Creighton** asked the Minister for Health and Children if she will

provide details of any foreign trips made by her in 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the exact mode of ground transportation used; the name of each hotel and the nature of the entertainment for which the expenses were incurred; and if she will make a statement on the matter. [2679/11]

**Minister for Health and Children (Deputy Mary Harney):** Two official trips were undertaken by me in the period concerned. One was to New Zealand for St Patrick's Day 2010 and engagements as Minister for Health and Children. On this trip I was accompanied by my husband and three officials from the Department. The other to Brussels was for an informal meeting of EU Ministers. The costs requested can be broken down as follows:

New Zealand 6th March to 22nd March

	€
<i>Flight Costs</i>	
By commercial air line	19,990
<i>Hotel Costs</i>	
Stamford — Auckland	3,563
Crown Plaza — Christchurch	729
Bolton — Hotel Wellington	875
<i>Subsistence Claims</i>	
Conference Rate	6,211
<i>Ground Transportation</i>	
Taxis	2,391
<i>Entertainment</i>	
Dinner for Honorary Consul	665
<i>Other</i>	
Gifts	475
<b>Total</b>	<b>34,899</b>

*Brussels 4th to 6th July 2010*

As I was in London on personal business prior to the meeting I travelled to Brussels by Eurostar costing €238. I was accompanied by one adviser. The return journey was by government jet. The only other costs associated with this trip were subsistence claims of €289.

249. **Deputy Lucinda Creighton** asked the Minister for Health and Children if she will provide details of any foreign trips made by officials in her Department in 2009, 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of the entertainment for which expenses were incurred; and if she will make a statement on the matter. [2694/11]

**Minister for Health and Children (Deputy Mary Harney):** The information requested by the Deputy is currently being collated within my Department and will be forwarded as soon as it is available.

250. **Deputy Lucinda Creighton** asked the Minister for Health and Children if she will provide details of hotel accommodation used by her within the State while on ministerial duties in 2009, 2010 and to date in 2011; the name of each hotel in which she stayed; the costs associated with each stay and the purpose of each trip; and if she will make a statement on the matter. [2724/11]

**Minister for Health and Children (Deputy Mary Harney):** The information requested by the Deputy is currently being collated within my Department and will be forwarded as soon as it is available.

251. **Deputy Lucinda Creighton** asked the Minister for Health and Children if she will provide details of any foreign trips made by officials in public bodies under the remit of her Department in 2009, 2010 and to date in 2011, the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of entertainment for which expenses were incurred; and if she will make a statement on the matter. [2739/11]

**Minister for Health and Children (Deputy Mary Harney):** The information requested is being collated and will be forwarded to the Deputy as soon as it is available.

#### **Charities Regulation**

252. **Deputy Finian McGrath** asked the Minister for Health and Children if she will examine and support a matter (details supplied). [3024/11]

**Minister for Health and Children (Deputy Mary Harney):** My Department provides funding to organisations based upon their service or other contribution rather than their charitable status *per se*. Funding is provided to many organisations through the National Lottery fund for various projects in any given year. Most of these organisations would have charity status. A list of the organisations that received lottery funding in 2010 is available on the Department of Health & Children website at [www.dohc.ie](http://www.dohc.ie).

In addition, the HSE provides funding to a large number of voluntary organisations for services, many of these organisations would also have charity status. The HSE also operates its own National Lottery scheme. Details of all the organisations funded by the HSE are set out in its Annual Financial Statements.

#### **Marine Accidents**

253. **Deputy Dinny McGinley** asked the Minister for Transport if he will consider publishing the report into sea tragedies off County Donegal (details supplied); and if he will make a statement on the matter. [2485/11]

257. **Deputy Dinny McGinley** asked the Minister for Transport if he will consider publishing or at least making the report on sea accidents (details supplied) available to surviving family members; and if he will make a statement on the matter. [2486/11]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 253 and 257 together.

Prior to the establishment of the Marine Casualty Investigation Board in 2002, Reports of Preliminary Inquiries into marine casualties, such as those into the sinking of the Evelyn Marie

and the Carraig Una, were considered confidential to the Minister and such reports were not published.

The purpose of a Preliminary Inquiry was to establish the circumstances of the casualty and decide whether a Formal Investigation was warranted based on available evidence. The publication of findings, or making such reports available to other parties outside the context of a Formal Investigation, was considered undesirable on the grounds of potential risk to natural justice procedures in relation to any of the parties affected by the tragedies. As the Preliminary Inquiries in question were carried out on the understanding that they would not be published or made available to other parties outside the context of a formal investigation, it would not be appropriate to do so now.

### **Air Services**

254. **Deputy Pat Breen** asked the Minister for Transport, further to Parliamentary Question No. 224 of 25 May 2010, if he will obtain similar information from the Irish Aviation Authority in relation to the precise distance the red zones commence at either end of runway 06/24 at Shannon Airport; and if he will make a statement on the matter. [2210/11]

**Minister for Transport (Deputy Noel Dempsey):** I have been in touch with the Irish Aviation Authority (IAA) in relation to this matter. The IAA has informed me that the Dublin Airport Authority have confirmed that the red zones commence 200 feet from the runway ends for runway 06/24 at Shannon Airport.

### **Rural Transport Services**

255. **Deputy Jack Wall** asked the Minister for Transport his plans to expand the rural transport initiative in view of current weather conditions and the importance of this initiative in rural areas; and if he will make a statement on the matter. [46044/10]

**Minister for Transport (Deputy Noel Dempsey):** Thirty-six rural community transport groups are being funded under my Department's Rural Transport Programme (RTP), which is operational in every county and plays an important role in combating rural isolation. These groups are working towards maximising coverage in their operational areas having regard to local public transport service needs and the availability of resources. The provision of services under the RTP is a matter for the individual rural transport groups. Local communities know where the transport needs are in their areas and how best to address them. My Department's role is one of facilitator through financial and administrative support, but communities themselves have the lead role in developing the transport services to fulfill these needs.

### **Motor Vehicle Emissions**

256. **Deputy Michael Creed** asked the Minister for Transport the position regarding modification of car exhausts and noise emissions therefrom; and if he will make a statement on the matter. [2434/11]

**Minister for Transport (Deputy Noel Dempsey):** Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) this is a matter for the Road Safety Authority.

*Question No. 257 answered with Question No. 253.*



### Ministerial Staff

258. **Deputy Lucinda Creighton** asked the Minister for Transport the name of each non-Civil Service adviser employed by him in the years 2009, 2010 and to date in 2011; each adviser's salary, expenses claims and job title in each year; and if he will make a statement on the matter. [2669/11]

**Minister for Transport (Deputy Noel Dempsey):** The information sought by the Deputy is contained in the tables.

2009

Name	Salary	Expenses	Job title
	€	€	
James Fegan	107,485	4,029.72	Special Advisor
Olive Stephens	100,191	0	Press Advisor
Tanya Harrington (to June 2009)	100,191	0	Specialist Transport, Regulatory, & Policy Co-ordinator
Sean Fitzpatrick	61,966	0	Temporary Press Advisor as cover for Maternity leave

2010

Name	Salary	Expenses	Job title
	€	€	
James Fegan	99,236	5,429.23	Special Advisor
Olive Stephens	92,672	0	Press Advisor
Sean Fitzpatrick	61,966	723.50	Temporary Press Advisor as cover for Maternity leave

2011

Name	Salary	Expenses	Job title
	€	€	
James Fegan	99,236	0	Special Advisor
Olive Stephens	92,672	0	Press Advisor

### Official Travel

259. **Deputy Lucinda Creighton** asked the Minister for Transport if he will provide details of any foreign trips made by him in the year 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the exact mode of ground transportation used; the name of each hotel and the nature of the entertainment for which the expenses were incurred; and if he will make a statement on the matter. [2684/11]

**Minister for Transport (Deputy Noel Dempsey):** The information requested by the Deputy is being compiled by my office and will be forwarded to her when available.

260. **Deputy Lucinda Creighton** asked the Minister for Transport if he will provide details of any foreign trips made by officials in his Department in the years 2009, 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of the entertainment for which expenses were incurred; and if he will make a statement on the matter. [2699/11]

**Minister for Transport (Deputy Noel Dempsey):** Over the period in question officials from my Department would have taken of the order of 600 to 700 foreign trips relating to official business. The information sought is being collated and will be provided to the Deputy as soon as possible.

261. **Deputy Lucinda Creighton** asked the Minister for Transport if he will provide details of hotel accommodation used by him within the State while on ministerial duties in the years 2009, 2010 and to date in 2011; the name of each hotel in which he stayed; the costs associated with each stay and the purpose of each trip; and if he will make a statement on the matter. [2729/11]

**Minister for Transport (Deputy Noel Dempsey):** No hotel costs for accommodation within the state was incurred in 2010 or to date in 2011. Details in relation to hotel costs for 2009 are set out below.

Date	Name of Hotel	Cost	Purpose of stay
11 January 2009	The Radisson, Cork Airport	€80	Meeting with the Board of Cork Airport Authority at 8.30am on 12 January 2009.

262. **Deputy Lucinda Creighton** asked the Minister for Transport if he will provide details of any foreign trips made by officials in public bodies under the remit of his Department in the years 2009, 2010 and to date in 2011, the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of entertainment for which expenses were incurred; and if he will make a statement on the matter. [2744/11]

**Minister for Transport (Deputy Noel Dempsey):** Foreign trips made by officials of public bodies within my remit are a day-to day matter for the bodies concerned. I have no function in the matter.

### Official Engagements

263. **Deputy Lucinda Creighton** asked the Minister for Transport if he will report on his recent meeting with the US Secretary for Homeland Security; and if he will make a statement on the matter. [2749/11]

**Minister for Transport (Deputy Noel Dempsey):** I had the pleasure to meet with the US Secretary for Homeland Security Ms. Janet Napolitano on the 30th December last in Dublin Airport. The purpose of her visit was to tour the new U.S. preclearance facility in Terminal 2.

[Deputy Noel Dempsey.]

U.S. preclearance at Dublin Airport is due to commence on 19 January. This will allow U.S. bound passengers to clear all U.S. entry controls before they leave Dublin Airport. Currently only U.S. immigration clearance facilities are available at the airport. This new procedure will mean that all precleared U.S. bound travellers will face no further entry processes when they reach the U.S. and will be treated as if their flight had originated at a U.S. domestic airport.

I was very happy to welcome the Secretary to Dublin and for her to see the very fine preclearance facility that the Dublin Airport Authority has provided for the U.S. Customs and Border Protection, which is a constituent part of her Department and who will operate the facility. I see her visit as affirmation of the importance that the United States Government attaches to U.S. preclearance from Ireland.

### **Road Network**

264. **Deputy Seymour Crawford** asked the Minister for Transport the meetings he has had with his opposite number in Northern Ireland regarding the implementation of the dual carriageway project; the up-to-date position regarding this project; and if he will make a statement on the matter. [2755/11]

**Minister for Transport (Deputy Noel Dempsey):** Under the agreement of March 2007 between the Irish and British Governments on a funding package to support the restored Northern Ireland Executive, the Irish Government made a commitment to provide funding of £400/€580 million in a roads investment package for Northern Ireland which will contribute to the upgrading of the A5 road from Aughnacloy to Derry/Londonderry to dual-carriageway status.

I have discussed the A5 Aughnacloy to Derry dual carriageway scheme with my Northern counterparts in the context of the Transport Sectoral meeting of the North South Ministerial Council (NSMC). Since September 2007 there have been seven meetings of the NSMC in Transport sectoral format, the last of which took place on 20 October 2010, at which the A5 project has been discussed. The A5 project is being implemented by the Roads Service of Northern Ireland (RSNI). A project schedule with key milestones has been established and the project is being progressed in accordance with that schedule. I understand that the third project milestone — Publication of Draft Orders — was achieved in November last year.

### **Official Engagements**

265. **Deputy Bernard J. Durkan** asked the Minister for Transport the number of meetings and discussions he has had with representatives of Iarnród Éireann, Bus Éireann and Bus Atha Cliath in each of the past three years to date; the nature of any innovative proposals or business plan discussed in the course thereof; the likely future impact of such discussion on transport services; and if he will make a statement on the matter. [2756/11]

**Minister for Transport (Deputy Noel Dempsey):** I refer the Deputy to PQ No. 59, Reference No. 2409/11, which I answered earlier today.

266. **Deputy Bernard J. Durkan** asked the Minister for Transport the number of meetings he has had with the National Roads Authority in each of the past three years to date; the degree to which the subject matter of any such discussions is likely to impact on road transport policy or the future development of the road transport system; and if he will make a statement on the matter. [2757/11]

**Minister for Transport (Deputy Noel Dempsey):** I and my Department keep in regular and ongoing contact with the various transport agencies on matters relevant to general transport policy. My engagement with the National Roads Authority over the past three years has ranged from formal discussions with the full Board to less formal discussions with the Chairman, Board members and the Chief Executive on a variety of occasions such as re opening of new motorways under the Government's Transport 21 Programme. In addition to its statutory functions in relation to the planning, design and implementation of individual projects, the Authority provides important analysis and advice to me which is taken into account in the ongoing development of transport policy.

267. **Deputy Bernard J. Durkan** asked the Minister for Transport the number of meetings or discussions or correspondence he has had with the representatives of the various airline companies operating within and to and from this country; the degree to which any such discussions are likely to affect the development of air transport and its competitiveness, with particular reference to the need to maximise such services for the economic benefit of the economy; and if he will make a statement on the matter. [2758/11]

**Minister for Transport (Deputy Noel Dempsey):** I have frequent interaction with various airline companies in the context of aviation policy. However, decisions on the operation of air services from any particular State Airport or Regional Airport are commercial decisions for air carriers, in conjunction with the relevant airport authority. The Deputy will be aware that the market for air services in the European Union was fully liberalised in 1992. All European carriers are free to compete and operate on an equal basis within the European market. Within the European Union, Ireland has consistently supported market liberalisation measures and has also sought to influence the wider international framework for aviation to ensure that it continues to promote competition and innovation in the market-place. In this context, the development of our bilateral aviation relations with emerging economic powers, such as China and India, is one of my Department's key long-term goals. The development of airport infrastructure and US preclearance facilities at Shannon and Dublin, which are unique in Europe, complement this strategy.

268. **Deputy Bernard J. Durkan** asked the Minister for Transport the extent to which he has had discussions with the various airport authorities or representatives thereof in each of the past three years to date; the degree to which the issues discussed have been implemented or are likely to be implemented with a view to the maximisation of economic benefits to the country; and if he will make a statement on the matter. [2759/11]

**Minister for Transport (Deputy Noel Dempsey):** Both I and my Departmental officials are in contact with the various airport authorities on a regular basis. These contacts would cover a multitude of issues of relevance to the aviation sector. I can assure the Deputy that the context of this interaction is to ensure that the sector supports Ireland's economic and social goals in a safe, competitive, cost effective and sustainable manner.

269. **Deputy Bernard J. Durkan** asked the Minister for Transport the extent, if any, to which he has had any discussions with the various port authorities throughout the country or their representatives at any level in each of the past three years to date; the extent, if any, to which any such discussions are likely to be of benefit to improving the efficiency and effectiveness of sea transport in the context of economic recovery; and if he will make a statement on the matter. [2760/11]

**Minister for Transport (Deputy Noel Dempsey):** There are ten State owned port companies. In September 2010 the Irish Ports Association hosted its annual conference, which I attended. The annual conference provides me with the opportunity to engage with the sector as a whole. I also meet from time to time with the individual port companies. I emphasise the importance of the maritime sector and that the existence of efficient modern ports increases competition and provides a greater choice of routes for exports and imports.

The ports provide a competitive service and sufficient capacity to meet the needs of our importers and exporters. They have responded quickly to increase their efficiency and achieve even greater economies of scale in response to traffic declines over the last two years. The consensus is that the country's return to economic growth will be export led, and this is already evident. In this regard, it is vital that the ports are in a position to facilitate this and to make their contribution to improving national competitiveness.

In September 2010, I initiated a review of national ports policy to help ensure that the policy framework within which the ports operate helps them address future challenges. The consultation period has now concluded and my Department is considering the submissions received.

270. **Deputy Bernard J. Durkan** asked the Minister for Transport the extent, if any, to which he has had any discussions with the various shipping companies throughout the country or their representatives at any level in each of the past three years to date; the extent, if any, to which any such discussions are likely to be of benefit to improving the efficiency and effectiveness of sea transport in the context of economic recovery; and if he will make a statement on the matter. [2761/11]

**Minister for Transport (Deputy Noel Dempsey):** Over the last three years I have met, from time to time, with representatives of ports and shipping groups. In addition, officials from my Department meet with representatives from ports and various shipping companies. I have encouraged both ports and operators to improve their overall efficiency and to re-adjust their routes and capacity in order to maintain their service levels for customers, while at the same time reducing their overall operating overheads.

In addition, Noel Ahern T.D., former Minister of State at my Department who had responsibility for maritime affairs, met on several occasions with the management of some shipping companies in 2009. Ciaran Cuffe T.D. the Minister of State at my Department also opened the European Shipping Congress at Dublin Castle in June 2010, on my behalf. Two hundred delegates, including many of Ireland's and Europe's senior port and shipping executives attended this conference. The theme for discussion at the Congress was "strategies and opportunities for recovery in European Shortsea Shipping".

My Department through its agency the Irish Maritime Development Office (IMDO) also regularly meets with shipping companies and continues to support and assist Irish and foreign owners establish new shipping services here, providing them with expert market intelligence and analysis. Shipping demand has declined worldwide in recent years. However, the IMDO's most recent figures indicate Irish export shipping volumes rose by 12% and Ferry passenger numbers rose by 5% in the third quarter of 2010, which is an indication of economic recovery in some areas.

271. **Deputy Bernard J. Durkan** asked the Minister for Transport the extent, if any, to which he has had any discussions with the various air freight companies throughout the country or

their representatives at any level in each of the past three years to date; the extent, if any, to which any such discussions are likely to be of benefit to improving the efficiency and effectiveness of sea transport in the context of economic recovery; and if he will make a statement on the matter. [2762/11]

273. **Deputy Bernard J. Durkan** asked the Minister for Transport the extent to which he has engaged in discussions with air freight companies and or their representatives in each of the past three years to date with a view to determining how he can best assist economic recovery through such companies; if he has taken any action, sought any advice or given any indication as to his intention to proceed with such matters; and if he will make a statement on the matter. [2764/11]

**Minister for Transport (Deputy Noel Dempsey):** I propose to take Questions Nos. 271 and 273 together.

A key goal of my Department is to ensure a planned integrated network which encompasses all modes of transport. This process involves very close liaison between my Department and the three main transport sectors: land transport, aviation and marine. Mindful of the need to ensure that export-led growth is underpinned by national transport policy, my Department is working with key stakeholders and in particular the freight industry to identify and implement measures to secure competitive, sustainable and safe freight transport both domestically and internationally.

While operational responsibility for air and sea transport rests with the relevant Airport and Sea Port authorities, both I and my Departmental officials are in contact with these Authorities on a regular basis. I can assure the Deputy that the context of this interaction is to ensure that these sectors support Ireland's economic and social goals. In addition, my Department engages with air freight and maritime freight stakeholders through its involvement in the All-Island Freight Forum, which it jointly chairs with the Northern Ireland Department for Regional Development.

272. **Deputy Bernard J. Durkan** asked the Minister for Transport the extent of the discussions he has had in each of the past three years to date with private freight transport companies such as the road hauliers association, private bus companies and or others involved in the sector with a view to identifying the issues currently affecting their efforts to expand and assist economic recovery; and if he will make a statement on the matter. [2763/11]

**Minister for Transport (Deputy Noel Dempsey):** I have met with the Irish Road Haulage Association (IRHA) on two occasions during the period mentioned in the question. Those meetings took place in 2008 and 2009, and covered a wide range of issues of concern to the IRHA. The overall thrust of any meeting I have with the IRHA or with any other similar organisation is always to find ways to help the development of their sector, to resolve any problems or concerns they might have, so that their sector can work with Government to identify and implement measures to secure competitive, sustainable and safe freight transport and therefore play its part in assisting the national economic recovery.

I should also point out that staff in my Department regularly consult with and meet the IRHA and other representative bodies of the haulage and passenger industry regarding haulage and passenger issues. Wherever possible, requests for meetings are always agreed to. Again, my officials treat such meetings as opportunities to provide as much information and assistance

[Deputy Noel Dempsey.]

as they can for the sector, and to resolve any difficulties or concerns the sector might have, within the framework of transport policy generally.

*Question No. 273 answered with Question No. 271.*

### **Transport 21**

274. **Deputy Bernard J. Durkan** asked the Minister for Transport the level and extent of any decisions he has had with the various subordinate bodies, groups, agencies or individuals with responsibility for achieving the goals set out in Transport 21; whether he has received any submissions affecting the achievement or development of such objectives; and if he will make a statement on the matter. [2765/11]

**Minister for Transport (Deputy Noel Dempsey):** The monitoring arrangements for Transport 21 consist of a High Level Monitoring Group comprising representatives of the relevant Government Departments and assisted by the Chief Executives of the State Agencies with responsibility for implementing the projects in Transport 21. The main role of this Group is to monitor the implementation of projects and programmes provided for in Transport 21 and to review compliance with the Department of Finance's Guidelines. In addition my Department meets regularly with individual agencies to review project implementation, funding and related issues.

### **Charities Regulation**

275. **Deputy Finian McGrath** asked the Minister for Transport if he will examine and support a matter (details supplied). [3028/11]

**Minister for Transport (Deputy Noel Dempsey):** My Department currently pays a grant of €175,000 to the Royal National Lifeboat Institution, a charity registered in the Republic of Ireland. In addition, The Irish Coast Guard provides yearly grants to the volunteer groups of Mountain Rescue Ireland, a registered charity that provides 24 hour emergency service and is a dedicated resource of the Irish Coast Guard. In 2010 a total of €280,000 was paid to Mountain Rescue Ireland.

### **Citizenship Applications**

276. **Deputy Phil Hogan** asked the Minister for Justice and Law Reform when an application for citizenship will be decided in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [2396/11]

**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 April 2009. The application is being processed in the normal way with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation. It is not possible to provide more specific information in an individual case as processing requirements and time taken to carry out necessary checks vary from case to case.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such

cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Garda Transport**

277. **Deputy Pat Breen** asked the Minister for Justice and Law Reform the number of new Garda vehicles purchased in 2010; the cost of same; his plans to purchase new vehicles in 2011; and if he will make a statement on the matter. [2026/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** The information sought by the Deputy has been requested from the Garda Authorities and I will revert to the Deputy when this information is to hand.

### **Garda Strength**

278. **Deputy Michael Ring** asked the Minister for Justice and Law Reform if he will provide details of the notification received regarding the number of gardaí who have retired from 1 January 2010 up to 31 December 2010 in tabular format on a county basis. [2032/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that the total number of Gardaí who retired during 2010 was 362. I refer the Deputy to my answer of 7 December 2010 to PQ 46467/10 in which I stated that a breakdown of retirees on a county basis in tabular form is not readily available and the compilation of the information, as requested, would require a disproportionate amount of Garda time and resources.

### **Deportation Procedures**

279. **Deputy Pat Rabbitte** asked the Minister for Justice and Law Reform if his attention has been drawn to the aborted deportation flight from Ireland to Nigeria on 15 December 2010; the reasons for the deportees being returned here; and if he will make a statement on the matter. [2062/11]

280. **Deputy Pat Rabbitte** asked the Minister for Justice and Law Reform if he has received a petition from the Irish Refugee Council requesting an independent inquiry into the treatment of deportees on the aborted deportation flight of 15 December 2010; and if he will make a statement on the matter. [2063/11]

281. **Deputy Pat Rabbitte** asked the Minister for Justice and Law Reform if the treatment of deportees on the aborted deportation flight from Ireland to Nigeria on 15 December 2010 complied with Article 3 of the European Convention on Human Rights; and if he will make a statement on the matter. [2064/11]

282. **Deputy Pat Rabbitte** asked the Minister for Justice and Law Reform the cost to the Exchequer of the failed deportation flight to Nigeria on 15 December 2010; the number of persons being deported; the current status of the persons who were returned here; and if he will make a statement on the matter. [2065/11]

283. **Deputy Finian McGrath** asked the Minister for Justice and Law Reform his views on a deportation matter (details supplied). [2077/11]



284. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Law Reform if his attention has been drawn to a deportation that took place on 15 December 2010 in which significant violations of the rights and dignities of the Nigerian passengers have been reported, including that they were kept on the plane for two hours before it departed and not allowed to use the toilet during this time, forcing children to urinate into bottles and that when the plane departed passengers were required to keep the door open when using the toilet, including menstruating women and that they were held in an airport lounge in Greece for 14 hours and offered nothing but crisps during that time although deportees from other countries were offered food and drink; if he will order an immediate independent inquiry into the events and suspend deportations until this inquiry is completed and the matters satisfactorily resolved; and if he will make a statement on the matter. [2108/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 279 to 284, inclusive, together.

A total of 35 persons — all of whom were failed asylum seekers or their dependants — were due to be returned by Ireland to Nigeria by charter flight which left Dublin Airport on 15th December 2010 to go to Lagos via Athens. The flight was organised in conjunction with our European partners in the FRONTEX network where individual member states co-operate with each other in returning immigrants to their country of origin. In addition to the persons being returned from Ireland, there were 64 other persons from the following countries, UK, Austria, Hungary, Norway, France, Luxembourg, the Netherlands, Poland, Greece and Germany due to return to Nigeria on this flight. As well as immigration officials (in our case, Gardaí attached to the Garda National Immigration Bureau) who accompanied the persons being returned, the flight also had on board a medical team consisting of a doctor and nurse.

On arrival in Athens airport where the persons being returned from Greece and Austria were boarded, the plane developed a technical fault while it was on the ground. At this point the local time was 2.00 am on Thursday 16th December.

Having considered the options — which included sourcing another aircraft — the flight organisers came to the conclusion that the only feasible option was to abandon the flight and return the persons in question to Dublin. It is important to note that had the operators been able to source another aircraft at relatively short notice, it would still have meant a very long delay — possibly 14 hours or longer — before the necessary clearances and other paperwork would have been completed to enable the flight to continue to Lagos. The persons in question were flown back to Dublin on 16th December (the following day) from Athens.

Quite clearly the technical fault which developed with this FRONTEX operated flight could not have been foreseen; in fact Deputies should be aware that this is the first time that such an event occurred in 50 removal flights involving the removal of non-nationals from the State in the past seven years.

I am advised that every effort was made to provide the persons on board the flight with appropriate refreshments and other facilities. These efforts were hampered by the lateness of the hour, the availability of facilities at that time at Athens airport and the requirement to comply with the instructions of the airport authorities. As Deputies will appreciate when technical difficulties arise with flights, considerable disruption is caused to passengers. The situation in this respect is no different when such difficulties arise with charter flights involving failed asylum seekers as it is with commercial flights.

In the matter of sanitary facilities, I am advised that standard arrangements in the aircraft were in place and that adequate facilities were also in place for all passengers who chose to avail of them. I am also advised that according to the information available to my Department and the Gardaí, that the issues in this respect referred to by Deputies involving the persons being returned to Nigeria from Ireland have not been raised to date in the other countries who participated in this flight.

In relation to the matter of deportation itself, I must point out that all persons who are the subject of Deportation Orders have had their cases fully examined under the various headings in Section 3(6) of the Immigration Act 1999 before I decided to make an order against them. The option to voluntarily return to their country of origin is available to people who have no legal right to be in the State; however none of the individuals on the flight in question took up the option of voluntary return.

Where a decision is made to make a Deportation Order, the person in question is advised in writing of this decision and of the consequences of the decision which includes placing a legal obligation on the person in question to remove themselves from the State or, failing that, to comply with any reporting requirements placed on them by the Garda National Immigration Bureau so that their removal from the State can be effected. The Deportation Orders in effect in respect of the individuals who returned to Ireland in this instance remain in force and will be enforced by the Gardaí when the necessary travel arrangements are made. The persons in question are therefore still obliged to remove themselves from the State or, failing that, to contact the Garda National Immigration Bureau to facilitate their removal.

By its nature enforced deportation is a difficult process for everyone involved. My Department, in conjunction with the Garda National Immigration Bureau and the other members of Frontex is reviewing this operation and if appropriate and reasonable, will put revised practices in place with a view to minimising the risk of this occurring again. Technical faults can and do occur with aircraft and inevitably there is disruption to passengers. Every effort is made to minimise any such disruption but like in all flights where events occur which are outside of control of passengers, no absolute guarantees can be given.

I am satisfied that the deportation operation on 15th December 2010 was properly conducted and accordingly I will not be establishing an independent enquiry into this deportation flight. Finally I am not in a position to indicate at this point the costs incurred during this operation; I can say however that my Department will be insisting that all reasonable costs are recouped from the flight operator.

### **Youth Services**

285. **Deputy Seán Ó Fearghail** asked the Minister for Justice and Law Reform if he has received a request for funding towards the establishment of a youth diversion project at a location (details supplied); if this application will be favourably considered; and if he will make a statement on the matter. [2155/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I refer the Deputy to my reply to Parliamentary Question 161 on the Wednesday, 9th June, 2010. The position remains essentially as stated. The focus of the Irish Youth Justice Service and An Garda Síochána in 2011 will be on improving the quality and effectiveness of the existing 100 Garda Youth Diversion Projects across the country. I do not, at this stage, expect to announce any new projects in 2011.

### Public Order Offences

286. **Deputy Finian McGrath** asked the Minister for Justice and Law Reform if he will support a matter (details supplied) in Dublin 5. [2158/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that the area referred to is within Raheny Garda District. Local Garda management is aware of difficulties being experienced by local residents due to people congregating in the area.

The area is subject to regular patrols by uniform and plain-clothes personnel, including the Community Policing and Mountain Bike Units and the District Detective and Drug Units, supplemented as required by the Divisional Crime Task Force and Traffic Corps personnel. Local Garda management has directed that additional patrols of the area take place. A member of the local Community Policing Unit is specifically assigned to the area referred to and regularly meets local residents to help address their concerns.

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. The situation is kept under review. Current policing plans in the area are designed to address issues of crime and public order offences. Community policing is a central feature and core value of Garda policing policy, and current policing strategies are predicated on the prevention of crime, public order offences and anti-social behaviour.

### Departmental Correspondence

287. **Deputy Denis Naughten** asked the Minister for Justice and Law Reform if he will furnish a response to correspondence (details supplied); and if he will make a statement on the matter. [2164/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I wish to inform the Deputy that the correspondence received from the person concerned is being considered by my Department. I should add that detailed information in relation to his case requested from his legal representatives in 2010 has not been received to date. On receipt of same, a decision on his future status in the State will be communicated directly to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### Citizenship Applications

288. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for citizenship in respect of a person (details supplied) in County Meath; and if he will make a statement on the matter. [2411/11]

**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 July 2007. I decided in my absolute discretion to grant a certificate of naturalisation. Officials in the Citizenship Division inform me that a

certificate of naturalisation issued to the applicant via registered post on 30 June, 2010. To date no application for a certificate of naturalisation has been received from the second named person.

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.

### **Property Services Regulation**

289. **Deputy Andrew Doyle** asked the Minister for Justice and Law Reform if there are adequate safeguards and guidance for rural landowners leasing farmland, many of them elderly, concerning default of lessees; if he will direct the Property Services Regulatory Authority to review the role and responsibilities of the auctioneers in this area, particularly in relation to information to lessors and services in the case of default by lessees. [2467/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** The position is the Property Services (Regulation) Bill 2009, which has already been passed by the Seanad and is currently awaiting Dail Committee Stage, provides for establishment of the Property Services Regulatory Authority. While the primary function of the Authority will be to establish and administer a licensing system for property services providers, including auctioneers and letting agents, and investigate complaints arising from the provision of property services by licensees, the Authority will also have broader consumer protection functions in relation to property services.

Section 11(2)(k) of the Bill provides, for example, that the Authority may promote public awareness and disseminate information to the public in respect of property services, in particular the costs of such services, and the risks and benefits associated with the provision of those services. The Authority is also required in the performance of its statutory functions to promote the best interests of clients and other users and potential users of property services in a manner that is consistent with the orderly and proper functioning of the property services markets and the orderly control and supervision of those services.

### **Crime Prevention**

290. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the steps that have been taken to curb anti-social behaviour in the vicinity of Kilcock railway station, County Kildare; and if he will make a statement on the matter. [2491/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that local Garda management is aware of difficulties being experienced by residents as a result of anti-social behaviour in the location referred to and has directed that additional Garda patrols take place in the area. Local Garda management will continue to monitor the situation closely with the assistance of the Community Policing Unit for the area.

### **Deportation Orders**

291. **Deputy Alan Shatter** asked the Minister for Justice and Law Reform the number of Irish citizen children who left this State in each of the years 2005 to 2010 in the company of their parents deported from Ireland as a consequence of breaching of Irish immigration law or a failed application for asylum; to detail in each year the countries to which such parents,

[Deputy Alan Shatter.]

accompanied by their child/ren, were returned; the means of transportation by which such children left the State and, if by air, to state whether by chartered or scheduled flight. [2503/11]

292. **Deputy Alan Shatter** asked the Minister for Justice and Law Reform in respect of Irish citizen children who left this State in the years 2005 to 2010 in the company of their parents deported from Ireland as a consequence of breaching an immigration law or a failed application for asylum, to state the efforts, if any, this State has made to remain in contact with such children and or to provide to each such child access to the Irish embassy in their country of residence or to the Irish embassy responsible for handling diplomatic representation in that country [2504/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 291 and 292 together.

Between 2005 and 2010, one Irish citizen child left the State with their parents in 2006 on a scheduled flight travelling to Nigeria as a result of the deportation of their parents. In the same period the number of such children who left the State with their parents by chartered flights is as follows: three in 2006, two in 2008, two in 2009 and twelve in 2010. All of the children travelled to Nigeria. These children can avail of all consular services offered by the Irish Embassy in their country of residence which in respect of Nigeria is located in Abuja and can be accessed by the children or their parents acting on their behalf.

#### **Garda Strength**

293. **Deputy Lucinda Creighton** asked the Minister for Justice and Law Reform the number of gardaí employed by the State; the average percentage assigned to patrols at any one time; and if he will make a statement on the matter. [2653/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I am informed by the Garda authorities that the personnel strength of An Garda Síochána, as at the latest date for which figures are readily available, was 14,364. For security and operational reasons, it is not Garda policy to disclose the number or percentage of members on duty at any given time.

#### **Ministerial Staff**

294. **Deputy Lucinda Creighton** asked the Minister for Justice and Law Reform the name of each non-Civil Service adviser employed by him in the years 2009, 2010 and to date in 2011; each adviser's salary, expenses claims and job title in each year; and if he will make a statement on the matter. [2665/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** The Public Service Management Act, 1997 provides for the appointment of two Special Advisers to assist Ministers in performing their roles and achieving the objectives of Government. Mr Ciarán Ó Cuinn was appointed as my Special Adviser/ Programme Manager with effect from 7 May, 2008. Mr Richard Moore was appointed as my Press Adviser from the same date. Both Mr Ó Cuinn and Mr Moore are paid at the Principal Officer Standard Scale (€80,051 — €98,424). Special Advisers are entitled to claim travel and subsistence expenses in accordance with relevant Department of Finance Circulars, the details of which are considered personal to the individuals concerned.

**Official Travel**

295. **Deputy Lucinda Creighton** asked the Minister for Justice and Law Reform if he will provide details of any foreign trip made by him in the year 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the exact mode of ground transportation used; the name of each hotel and the nature of the entertainment for which the expenses were incurred; and if he will make a statement on the matter. [2680/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** The information requested by the Deputy is provided in a table. As Minister, I have travelled abroad on 6 occasions since 2010 to date, 4 of which were for the purposes of attending EU Justice & Home Affairs Council Meetings. On the other 2 occasions I travelled to London for meetings with the newly appointed British Home Secretary, Justice Secretary and Immigration Minister and on one occasion for the purpose of representing the Government abroad in France for St. Patrick's Day 2010.

Minister Dermot Ahern, Travel Details January 2010- to date	Minister's Hotel costs	Air Fare	Car Hire costs for Minister	Number of persons accompanying Minister
November 2010				
<i>8th November</i> Travelled from Dublin to Luxemburg  <i>Purpose of Trip:</i> EU Informal Justice & Home Affairs Meetings	No cost accrued by the Minister	Ministerial Air Transport	No costs incurred	3 — Included officials who as a matter of course attend JHA Ministerial meetings
July 2010				
<i>14th July — 16th July</i> Travelled from Dublin to Brussels  <i>Purpose of Trip:</i> EU Informal Justice and Home Affairs Meeting*	No costs accrued by the Minister	€123.30	No costs incurred	5 — Included officials who as a matter of course attend JHA Ministerial meetings
June 2010				
<i>21st June</i> Travelled from Dublin to London  <i>Purpose of Trip:</i> Separate meetings with London Home Secretary, the Justice Secretary and Immigration Minister	No overnight costs incurred	Ministerial Air Transport	Not available at present	5 — officials who as a matter of course attend such meetings
<i>4th June</i> Travelled from Dublin to Luxemburg  <i>Purpose of Trip:</i> EU Justice and Home Affairs Council Meeting	No overnight costs incurred	Ministerial Air Transport	Not available at present	4 — Included officials who as a matter of course attend JHA Ministerial meetings

Minister Dermot Ahern, Travel Details January 2010- to date	Minister's Hotel costs	Air Fare	Car Hire costs for Minister	Number of persons accompanying Minister
March 2010				
<i>15th March — 19th March</i> Travelled from Dublin to Paris  <i>Purpose of Trip:</i> Represented the Government abroad in France for St. Patrick's day	Minister stayed with Ambassador so no costs accru-ed	€182.52	Minister travelled in Ambassador's car so no costs incurred	2 pax
January 2010				
<i>20th January – 22nd January 2010</i> Travelled from Dublin to Toledo, Spain  <i>Purpose of Trip:</i> EU Informal Justice & Home Affairs Council Meeting*	No costs accrued by the Minister	Ministerial Air Transport	No costs accrued by the Minister	7 — Included officials who as a matter of course attend JHA Ministerial meetings

\*Accommodation & transport was provided by the host Government; accordingly no costs accrued to the Department of Justice, Equality and Law Reform



296. **Deputy Lucinda Creighton** asked the Minister for Justice and Law Reform if he will provide details of any foreign trip made by officials in his Department in the years 2009, 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of the entertainment for which expenses were incurred; and if he will make a statement on the matter. [2695/11]

298. **Deputy Lucinda Creighton** asked the Minister for Justice and Law Reform if he will provide details of any foreign trip made by officials in public bodies under the remit of his Department in the years 2009, 2010 and to date in 2011, the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of entertainment for which expenses were incurred; and if he will make a statement on the matter. [2740/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I propose to take Questions Nos. 296 and 298 together.

I am not in a position to provide the information sought by the Deputy. As the Deputy may be aware, there are about 24,000 staff in my Department and its associated twenty four public bodies. This includes large nationwide organisations such as An Garda Síochána, the Courts Service and the Irish Prisons Service. To seek to obtain all the information sought, would require a disproportionate use of time and resources, which cannot be justified at a time when there are numerous demands on the public bodies concerned.

Maintaining national representation at EU, Council of Europe, UN and other International fora primarily accounts for expenditure by my Department on foreign travel. I wish to inform the Deputy that the travel and subsistence information requested for the years 2009 and 2010 is available in the Revised Estimates Volume for each of the years concerned. Copies of these documents are available on the Department of Finance's website ([www.finance.gov.ie](http://www.finance.gov.ie)) and in the Oireachtas Library. I also wish to refer the Deputy to the Revised Estimates Volume for 2011 which contains full year Estimates information for my Department. Copies of this document are available on the Department of Finance's website ([www.finance.gov.ie](http://www.finance.gov.ie)) and in the Oireachtas Library.

297. **Deputy Lucinda Creighton** asked the Minister for Justice and Law Reform if he will provide details of hotel accommodation used by him within the State while on ministerial duties in the year 2009, 2010 and to date in 2011; the name of each hotel in which he stayed; the costs associated with each stay and the purpose of each trip; and if he will make a statement on the matter. [2725/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** The records in my office indicate that in 2009, 2010 and to date in 2011, a total expenditure of approximately 520 euro was incurred in the provision of hotel accommodation for me in the State in the exercise of my ministerial duties.

*Question No. 298 answered with Question No. 296.*

### **Asylum Applications**

299. **Deputy Lucinda Creighton** asked the Minister for Justice and Law Reform the number

of asylum seekers who have not had their applications processed and cannot be accounted for; and if he will make a statement on the matter. [2745/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I presume the Deputy is referring to asylum applications that could not be progressed because of a failure on the part of the applicant to co-operate with the asylum agencies. Under the provisions of the Refugee Act 1996 (as amended), such applications are deemed to be withdrawn. Since the introduction of the statutory provision in question in 2003, approximately 6,200 asylum applications have been deemed withdrawn by the Office of the Refugee Applications Commissioner.

### Crime Levels

300. **Deputy Alan Shatter** asked the Minister for Justice and Law Reform if his attention has been drawn to the growing concern that the proliferation of cash for gold businesses opening in various parts of the country are causing an increase in thefts and burglaries of gold jewellery; the consideration, if any, given by him to date to the enactment of legislation to ensure such businesses are licensed and required to obtain documentation verifying ownership of items purchased; his views on whether such legislation is desirable; and if he will make a statement on the matter. [2752/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** As the Deputy points out, there has been a significant increase in the number of outlets offering to buy gold for cash in towns and cities in the State. I am aware that the trade gives rise to concerns reported in communities about crime that may be linked to the cash for gold trade.

The informal purchase of jewellery is not specifically regulated in criminal legislation; however the circumstances under which jewellery is being bought and/or sold may indicate the commission of certain offences, for example handling stolen property and/or possession of stolen property under sections 17 and 18 of the Criminal Justice (Theft and Fraud Offences) Act, 2001. An Garda Síochána enforce the provisions of the criminal law in respect of theft and robbery including the theft and robbery of jewellery and gold. Should members of the public have suspicions that goods being sold or traded may be stolen, the correct action is for these suspicions to be referred to An Garda Síochána for investigation.

To take account of concerns about the matter, my Department recently asked the Commissioner of An Garda Síochána to ascertain his view as to the extent, if any, that criminal offences are being committed in the procurement and receipt of gold and similar items in transactions carried out at the cash for gold locations. In particular the Commissioner has been requested to examine whether the trade may be linked generally or in particular areas to burglary offences; whether Criminal Justice legislation, and in particular, the Criminal Justice (Theft and Fraud Offences) Act 2001 is adequate in the context of cash for gold transactions; whether criminal elements involved in organised crime or otherwise may be connected with the operation and ownership of the cash for gold outlets; and whether any new legislative provision may be required to address criminality in respect of cash for gold transactions.

I can inform the Deputy that my Department has now received the Commissioner's report and is in contact with him in the matter. The Commissioner has indicated that there has been an overall decrease both in the number of burglaries recorded in the years 2005 to 2010 and in the number of burglaries recorded involving jewellery/trophies and antique gold in the same period. He is also of the view that the relevant provisions of the Criminal Justice (Theft and Fraud Offences) Act 2001 are adequate. I might also add that the Commissioner has indicated that a significant number of the premises in question have been visited by Gardaí and the

[Deputy Dermot Ahern.]

responsibilities of the owners in respect of purchases of the relevant items under the criminal law have been brought to their attention.

I can assure the Deputy that as soon as the Commissioner's report has been given full consideration by my Department, I will make an assessment as to what if any action, legislative or otherwise may be required.

### Asylum Support Services

301. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform if and when provision can or will be made for accommodation transfer to Galway city or Dublin in the case of a person (details supplied) in County Galway; and if he will make a statement on the matter. [2766/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** The Reception and Integration Agency (RIA) is responsible for the accommodation of asylum seekers in accordance with the Government policy of direct provision and dispersal. The person referred to in the details supplied is currently availing of RIA accommodation at Dun Gibbons Inn accommodation centre, Clifden, County Galway. The RIA has received a transfer request from this family and has responded to the effect that there were insufficient grounds to merit a change of accommodation at this time.

The Deputy should be aware that queries in relation to the status of individual immigration cases, including accommodation status at the RIA, 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.

### Garda Vetting of Personnel

302. **Deputy David Stanton** asked the Minister for Justice and Law Reform the number of applications for clearance received by the Garda central vetting unit in 2007, 2008, 2009, 2010 and to date in 2011 respectively; the current waiting times for the processing of an application for Garda vetting; the number of persons currently on the waiting list for Garda vetting; and if he will make a statement on the matter. [2767/11]

**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 which are registered with the Gardaí for this purpose in respect of persons working in a full-time, part-time, voluntary or training capacity in positions where they would have substantial, unsupervised access to children and/or vulnerable adults. There has been a substantial increase in the volume of vetting applications received by the GCVU over recent years and the figures requested by the Deputy are set out in the following table.

2007	2008	2009	2010	2011 (to 13/01/11)
187,864	218,404	246,194	291,938	6,549

I am informed by the Garda Authorities that at present, there are approximately 55,000 applications in the course of being processed and the current average processing time for vetting applications received at the GCVU is approximately 11 weeks. The processing time fluctuates in line with periods of increased demand. Furthermore, additional time may be required to process an individual application where clarification is required as to the details provided or

where other enquiries are need, 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 the time to the minimum possible consistent with carrying out the necessary checks.

### Asylum Applications

303. **Deputy Alan Shatter** asked the Minister for Justice and Law Reform the number of asylum cases pending hearing and determination by the High Court and the average cost to the State of each asylum action taken in the High Court. [2792/11]

**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. At 31 December 2010 approximately 950 such cases were pending before the High Court where either ORAC, RAT or the Minister were respondents.

A figure for the average cost of an asylum action is not readily available as the costs involved in such an action are generally spread across various areas including the Chief State Solicitors Office, the Refugee Legal Service, the Courts Service and the Irish Naturalisation and Immigration Service (including ORAC and RAT).

304. **Deputy Alan Shatter** asked the Minister for Justice and Law Reform the total number of asylum seekers for whom accommodation is being provided by or on behalf of the State and the cost of such accommodation per week. [2793/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** The Reception & Integration Agency (RIA) of my Department is responsible for the accommodation of asylum seekers and the implementation of the government policies of direct provision and even dispersal around the country. On 9 January 2011, 6,112 asylum seekers were being accommodated by RIA, a reduction of 383 (6%) on the same period last year. These persons are being accommodated in a total of 46 centres in the RIA portfolio. An up-to-date list of these centres is available on the RIA website — [www.ria.gov.ie](http://www.ria.gov.ie)

At 31 December, 2010, 6,107 asylum seekers were being accommodated in RIA centres and the total spend by RIA in 2010 was €79,073,000 (provisional). The average cost of accommodation for asylum seekers per week is not as simply calculated as it might appear. For example, the numbers residing in RIA accommodation change on a day to day basis. Further, RIA expenditure includes not just accommodation. It also includes costs for pre-school services in some centres, direct spending on transport costs in dispersing asylum seekers around the country, utility and maintenance costs for state owned centres and miscellaneous costs.

Moreover, costs incurred by other Departments in relation to the provision of services to asylum seekers — in the areas of health, education, social welfare and so on — are not included in the cost indicated above. The complexity of the issue of accommodation costs for asylum seekers is dealt with in the report ‘Value for Money and Policy Review — Asylum Seeker Accommodation Policy’, published in May 2010 which I would commend to the Deputy and which is available on my Department’s website: [www.justice.ie](http://www.justice.ie) and on the above mentioned RIA website. The report provides a comprehensive review and analysis of the operation of the asylum seeker accommodation programme and should provide the Deputy with a wide understanding of the complexities involved in this programme.

### **Garda Operations**

305. **Deputy Alan Shatter** asked the Minister for Justice and Law Reform the number of gardaí engaged in checking passports at airports and other border controls. [2794/11]

**Minister for Justice and Law Reform (Deputy Dermot Ahern):** I have requested the information sought from the Garda authorities and when I have this to hand I will write directly to the Deputy.

### **Overseas Development Aid**

306. **Deputy Paul Connaughton** asked the Minister for Foreign Affairs the position regarding an application for the United Nations volunteer internship programme 2011 in respect of a person (details supplied) in Dublin 16; if his attention has been drawn to the fact that Irish Aid has set no upper age limit for the programme; if his further attention has been drawn to the fact that the applicant went through a rigorous selection and interview process and was subsequently nominated by Irish Aid for the position of research assistant to the UNDP in Maseru, Lesotho, only to be told by the UNV in Bonn that they were not being selected due to an age limit on its part; if he is aware that the applicant, as a highly educated graduate, is now faced with unemployment as a direct result of this bureaucratic mess; and if he will make a statement on the matter. [2061/11]

**Minister of State at the Department of Foreign Affairs (Deputy Peter Power):** The Government attaches great importance to the role of volunteers in development. We recognise the need to give people interested in a career in development the opportunity to gain experience of working in the developing world and with the multilateral system. Since 2006, the Government has provided funding through Irish Aid to the United Nations Volunteer (UNV) internship and volunteer programmes, in order to give suitably qualified candidates the opportunity to work with UN programmes in developing countries.

Irish Aid facilitates the initial screening of candidates for these positions, and UNV is responsible for recruitment and placement. The initial screening process for Irish candidates for the 2011 internship programme was carried out by a team of highly qualified external consultants. While UNV provides guidelines which include an indicative age range for candidates, it has until now always accepted Irish nominees on the basis that they were the most suitably qualified, including candidates outside this age range

This year, for the first time, the United Nations Volunteer programme decided not to accept nominees outside the indicated age range. Irish Aid raised the change in practice with UNV, and it was agreed that the candidates affected by the decision would be considered for more senior volunteer positions with UNV. I understand that arrangements are currently being made to interview the candidates affected for volunteer placements. The United Nations Volunteer programme makes all final decisions with regard to recruitment and placements.

### **Official Travel**

307. **Deputy Ciarán Lynch** asked the Minister for Foreign Affairs the itineraries that are in preparation for Ministers and Ministers of State to represent Ireland abroad over the course of the St. Patrick's day celebrations; and if he will make a statement on the matter. [2144/11]

313. **Deputy David Stanton** asked the Minister for Foreign Affairs the plans that Ministers and Ministers of State have to take part in St. Patrick's day 2011 celebrations across the world; the contact he has had with various governments, embassies, organisations and so on in relation to such celebrations; the locations of celebrations to be attended; the dates and duration of the

expected trips; when travel and event plans will be finalised; and if he will make a statement on the matter. [2777/11]

**Minister for Foreign Affairs (Deputy Micheál Martin):** I propose to take Questions Nos. 307 and 313 together.

The Department of Foreign Affairs has responsibility for co-ordinating the programme of Ministerial St. Patrick's Day visits globally, in co-operation with the Department of the Taoiseach and other relevant Departments. In fulfilling its co-ordination role, my Department will have full regard to the recommendations contained in the recently published strategy document 'Trading and Investing in a Smart Economy', which emphasises the value of St Patrick's Day in providing a unique opportunity to raise Ireland's profile abroad, in delivering clear marketing messages and in strengthening relations with other countries.

I can confirm that, in line with normal planning practice, officials in my Department have asked Embassies and Missions, in consultation with relevant State Agencies on the ground and other stakeholders, to submit proposals regarding St Patrick's Day in their areas of accreditation. These proposals are currently being assessed in my Department. I would envisage that the Government will consider recommendations based on these proposals in the near future.

### Ministerial Staff

308. **Deputy Lucinda Creighton** asked the Minister for Foreign Affairs the name of each non-Civil Service adviser employed by him in the years 2009, 2010 and to date in 2011; each adviser's salary, expenses claims and job title in each year; and if he will make a statement on the matter. [2663/11]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The following table sets out the name, salary and job title of each non-civil service advisor employed by me during the period in question.

Name	Title	Period	Annual Salary
Ms. Deirdre Gillane	Special Advisor	2009 – 27 May 2010	2009 – €103,389 2010 – €95,550
Mr. Tim Conlon	Special Advisor	6 September 2010 to date	€84,132

Overtime, travel and subsistence expenses are paid in accordance with normal civil service regulations.

### Official Travel

309. **Deputy Lucinda Creighton** asked the Minister for Foreign Affairs if he will provide details of any foreign trips made by him in the year 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the exact mode of ground transportation used; the name of each hotel and the nature of the entertainment for which the expenses were incurred; and if he will make a statement on the matter. [2678/11]

**Minister for Foreign Affairs (Deputy Micheál Martin):** In order to fulfil my duties as Minister for Foreign Affairs, I undertook a number of foreign trips in 2010. I have not undertaken any

[Deputy Micheál Martin.]

foreign travel to date in 2011. All of the travel was carried out in pursuit of Ireland's foreign policy objectives, our economic interests, or both. The majority of the travel arose directly from Ireland's active and committed membership of the EU and UN. Other travel commitments were undertaken following careful consideration of the value that a particular visit would contribute to Ireland's economic and foreign policy interests.

The details requested in relation to foreign travel undertaken during the period in question are included in the table below. In the timeframe available, it has not been possible to provide the full details requested. The Deputy may wish to be aware that in some cases, certain costs relating to overseas trips are covered by the host Government. Further, I would not ordinarily incur entertainment expenditure while abroad. Events, such as dinners, where they occur, are hosted by the relevant Ambassador.

My Department is fully compliant with the Department of Finance guidelines on foreign travel. My Department also operates its own detailed internal travel guidelines and practises which ensure cost effective travel practises. The central aim of the Departmental travel policy, which embraces both Ministers and officials, is to minimise official travel costs and to achieve value for money for expenditure necessarily incurred, consistent with the effective discharge of official duties.

Travel Related Costs incurred by Minister Micheál Martin, 2010	Hotel	Air Fares	Ground Transportation	Other
JANUARY 2010				
<i>Thursday 14th Jan</i> Travelled to London (Govt Jet — same day return to Belfast) <i>Purpose of Trip:</i> Meeting with Prime Minister Brown and Northern Ireland Secretary of State, London during talks on devolution of justice and policing powers to Northern Ireland				
FEBRUARY 2010				
<i>Monday 25th Jan – 5 February (with break for meetings in London, 4 February)</i> Travelled to London and Hillsborough (Govt Jet — same day return) <i>Purpose of Trip:</i> Meeting with Prime Minister Brown, FM Miliband and Northern Ireland Secretary of State during talks on devolution of justice and policing powers to Northern Ireland	(2 nights) 393.26			
<i>Monday 22nd February</i> Travelled to Brussels (Govt Jet — same day return) <i>Purpose of Trip:</i> Foreign Affairs Council and General Affairs Council				
<i>Tuesday 23rd to Friday 26th</i> Travelled to Egypt and Gaza (Govt Jet ) <i>Purpose of Trip:</i> Talks in Egypt on Middle East and visit to Gaza. (Accommodation in Cairo provided by Egyptian MFA)	(1 night) 68.92		1,016.15	
MARCH 2010				
<i>Tuesday 2nd – Wednesday 3rd</i> Travelled to Geneva (Govt Jet – same day return) <i>Purpose of Trip:</i> Human Rights Council Session	(1 night) 279.11		774.03	



Travel Related Costs incurred by Minister Micheál Martin, 2010	Hotel	Air Fares	Ground Transportation	Other
<p><i>Friday 5th – Saturday 6th</i>            Travelled to Cordoba (Govt jet)  <i>Purpose of Trip:</i> Informal meeting of EU Foreign Ministers            (Accommodation provided by the Spanish Presidency)</p>				
<p><i>Monday 15th – Thursday 18</i>            Travelled to Washington  <i>Purpose of Trip:</i> St. Patrick’s Day Programme of events, Washington</p>	(3 nights) 533.01	2,190.41	854.41	
<p><i>Monday 22nd</i>            Travelled to Brussels (Govt Jet — same day return)  <i>Purpose of Trip:</i> Foreign Affairs Council &amp; General Affairs Council</p>				
<p><i>Wednesday 24th – Thursday 25th</i>            Travelled to Paris  <i>Purpose of Trip:</i> Political consultations with FM Kouchner, a meeting with some French-linked members of the Global Irish Network and a number of trade and investment promotions appointments            (Stayed at Ambassador’s residence)</p>		856.54	775.00	
APRIL 2010				
<p><i>Wednesday 28th – Thursday 29th</i>            Berlin and Munich (Govt Jet)  <i>Purpose of Trip:</i> Promotion of Irish economic interests in Germany, a review of EU developments with FM Westerwelle and an exchange of views on major CFSP issues            (Stayed at Ambassador’s Residence)</p>				

Travel Related Costs incurred by Minister Micheál Martin, 2010	Hotel	Air Fares	Ground Transportation	Other
MAY 2010				
<i>Sunday 2 – Wednesday 5</i> Travelled to New York <i>Purpose of Trip:</i> Nuclear Proliferation Treaty Conference and New York Programme	(3 nights) 361.09	2,607.29	46.79	
<i>Saturday 22 – Saturday 29</i> Travelled to Hong Kong (return from Shanghai) <i>Purpose of Trip:</i> 5 -day visit to China (Beijing, Hong Kong, Shanghai, Dalian & Shenzhen) which included bilateral meetings with the Chinese Foreign Minister and Vice-Premier; a visit to the Irish Pavilion at Expo 2010 in Shanghai and meetings with business leaders, Asia-based members of the Global Irish Network, and academic institutions with Irish links. (Accommodation, other than Hong Kong, was provided by the Chinese Government)	(1 night) 268.85	3,478.34	706.49	143.88
JUNE / JULY 2010				
<i>Monday 14</i> Travelled to Luxembourg (Govt Jet — same day return) <i>Purpose of Trip:</i> Monthly meeting of EU Foreign Ministers — General Affairs Council and Foreign Affairs Council				
<i>Monday 21</i> Travelled to Brussels (Govt Jet — same day return). <i>Purpose of Trip:</i> Pre-Belgian Presidency Working dinner with Belgian FM, Brussels. Working dinner hosted by the Belgian Foreign Minister to discuss the upcoming Belgian Presidency of the Council of the European Union.				
<i>Sunday 27 – Friday 2 (July)</i> Travelled to Kampala and Addis Ababa (Govt Jet) <i>Purpose of Trip:</i> Visit to Uganda and Ethiopia, two of the priority countries for the Government's aid programme, to assess the impact of the aid programme in the fight against poverty and hunger in Africa	(5 nights) 636.50			
AUGUST 2010 (no travel)				

Travel Related Costs incurred by Minister Micheál Martin, 2010	Hotel	Air Fares	Ground Transportation	Other
SEPTEMBER 2010				
<i>Tuesday 7 –Wednesday 8</i> Travelled to Vienna (Govt Jet) <i>Purpose of Trip:</i> Addressed opening of Ireland’s Forum for Security Cooperation Chairmanship, meeting with OSCE Chair, meeting with Austrian FM	159.00			
<i>Monday 20 – Tuesday 28</i> Travelled to New York <i>Purpose of Trip:</i> UN Joint Hunger Event; UN High Level Plenary meeting; UNSG’s High Level Meeting on Disarmament; Attendance at UNGA	(7 nights) 2,338.80	2,609.71	566.20	
OCTOBER 2010				
<i>Wednesday 6 –Friday 8</i> Travelled to Romania and Bulgaria (Govt Jet) <i>Purpose of Trip:</i> Visits to Romania and Bulgaria				
NOVEMBER 2010				
<i>Monday 22</i> Travelled to Brussels (Govt Jet — same day return) <i>Purpose of Trip:</i> General Affairs Council and Foreign Affairs Council, Brussels				
DECEMBER 2010				
<i>Tuesday 14</i> Travelled to London (Govt Jet — same day return) <i>Purpose of Trip:</i> Meetings with Secretary of State, NI Owen Patterson and MP Shaun Woodward				

310. **Deputy Lucinda Creighton** asked the Minister for Foreign Affairs if he will provide details of any foreign trips made by officials in his Department in the years 2009, 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of the entertainment for which expenses were incurred; and if he will make a statement on the matter. [2693/11]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The nature of work of my Department necessitates extensive travel by officers of the Department. This includes, among other activities, servicing meetings and attending fora arising directly from Ireland's active and committed membership of the EU and UN, overseeing Ireland's official development assistance programme, and the operation of our diplomatic network. Given the amount of travel involved it is not possible, in the time available, to provide all the detail requested. However the table below provides an indication of the total expenditures for the years in question on travel related costs for officials and office holders at my Department. It should be noted that these totals relate to costs incurred at home and abroad, and therefore include travel costs related to the operation of the diplomatic network and not just travel between Ireland and abroad.

My Department is fully compliant with the Department of Finance guidelines on foreign travel. My Department also operates its own detailed internal travel guidelines and practises which ensure cost effective travel practises, both in Headquarters and throughout our network of 76 diplomatic missions abroad. During 2009, my Department engaged in a robust review of existing travel policies in order to ensure full compliance with all existing guidelines and to ensure best practices exist. There have been a number of revisions and reminders in regard to the application of travel policy operating throughout my Department. The central aim of the Departmental travel policy, which embraces both Ministers and officials, is to minimise official travel costs and to achieve value for money for expenditure necessarily incurred, consistent with the effective discharge of official duties.

	2009	2010	2011 (to date)
	€	€	€
Airfares*	2,222,247	2,280,326	48,581
Hotel and Accommodation	1,160,546	1,116,369	6,184
Subsistence	1,088,435	1,005,682	5,752

\*Travel undertaken by Government Jet is not included here as the details relating to this are a matter for the Department of Defence.

311. **Deputy Lucinda Creighton** asked the Minister for Foreign Affairs if he will provide details of hotel accommodation used by him within the State while on ministerial duties in the years 2009, 2010 and to date in 2011; the name of each hotel in which he stayed; the costs associated with each stay and the purpose of each trip; and if he will make a statement on the matter. [2723/11]

**Minister for Foreign Affairs (Deputy Micheál Martin):** During the period in question there has been only one instance where I used hotel accommodation in the State while on Ministerial duties. On the night of 22 June 2010 I stayed in the Maritime Hotel in Bantry, at a cost of €75, to facilitate attendance at the Commemoration Ceremony to mark the 25th Anniversary of the bombing of Air India Flight 182. The ceremony took place at Ahakista, Bantry, Co. Cork early in the morning of 23 June 2010. The Indian Government was represented by Corporate Affairs

[Deputy Micheál Martin.]

Minister Salman Kurshid and the Canadian Government by Jason Kenney, Minister of Citizenship, Immigration and Multiculturalism.

312. **Deputy Lucinda Creighton** asked the Minister for Foreign Affairs if he will provide details of any foreign trips made by officials in public bodies under the remit of his Department in the years 2009, 2010 and to date in 2011, the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of entertainment for which expenses were incurred; and if he will make a statement on the matter. [2738/11]

**Minister for Foreign Affairs (Deputy Micheál Martin):** There are four bodies operating under the aegis of my Department — the Government Emigrant Services Advisory Committee; the Development Education Advisory Committee (DEAC); the Irish Aid Expert Advisory Group; and The Board of the Ireland-United States Commission for Educational Exchange (the Fulbright Commission). No foreign travel by members of the three advisory committees was paid for by my Department during the period in question. Further, these advisory committees, the administrations of which are serviced directly by my Department, do not have independent budgets which would pay for foreign travel.

The Board of the Ireland-United States Commission for Educational Exchange is jointly financed by the Irish and US Governments. It enjoys autonomy of management and administration, in accordance with the Educational Exchange (Ireland and the United States of America) Act, 1991, and therefore I am not in a position to supply the details requested by the Deputy.

*Question No. 313 answered with Question No. 307.*

### **Charities Regulation**

314. **Deputy Finian McGrath** asked the Minister for Foreign Affairs if he will examine and support a matter (details supplied). [3023/11]

**Minister for Foreign Affairs (Deputy Micheál Martin):** The Emigrant Support Programme provides funding to not-for-profit organisations and projects to support Irish communities overseas and to facilitate the development of more strategic links between Ireland and the Global Irish. Grants awarded through the Emigrant Support Programme (including for organisations in Ireland) are published on the Department of Foreign Affairs website at [www.dfa.ie](http://www.dfa.ie). The Reconciliation and Anti-Sectarianism Funds provide financial support to not-for-profit, community-based groups and organisations working to promote peace and reconciliation in Northern Ireland, throughout the island of Ireland and between Britain and Ireland in accordance with the objectives of the Good Friday Agreement. Details of grants are published on the Department of Foreign Affairs website at [www.dfa.ie](http://www.dfa.ie).

Through the Communicating Europe Initiative grant scheme my Department provides funding for voluntary organisations and education bodies that wish to organise projects or events to raise awareness about how the EU matters in their community. Details of the recipients of funding under this initiative in 2010 were included in the answer to PQ 39680/10. Further details can be provided to the Deputy on request.

Through Vote 29 (International Cooperation), which is administered by my Department's Development Cooperation Division (Irish Aid), funding is provided to hundreds of pilot schemes and projects, including those with charitable status. Irish Aid operates a comprehensive evaluation and audit role in regard to all of these projects. Details of the projects funded

by Irish Aid throughout the world, including in Ireland, are contained at the end of each annual report, copies of which are available in the Oireachtas library and on the Irish Aid website at [www.irishaid.gov.ie](http://www.irishaid.gov.ie).

### **Redundancy Payments**

315. **Deputy Seán Power** asked the Minister for Social Protection if he will confirm that an application for redundancy was received in respect of persons (details supplied); when payment will issue; and if he will make a statement on the matter. [2423/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** On 1 January 2011, the Department assumed responsibility for making redundancy payments from the Social Insurance Fund. There are two types of redundancy payment made from the fund i.e. 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 statutory redundancy lump sum claims in respect of the four individuals concerned were received on 22 October, 2010. These claims are pending processing. Lump sum claims dating from June 2010 are currently being processed.

### **Social Welfare Benefits**

316. **Deputy Michael Ring** asked the Minister for Social Protection when a person (details supplied) in County Mayo will receive the one parent family payment. [2100/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The one-parent family allowance payment claim from the person concerned is currently with a deciding officer of the Department. A decision will be made as soon as possible and she will be notified of the outcome.

317. **Deputy Michael Ring** asked the Minister for Social Protection the reason a person (details supplied) in County Mayo who was on carer's benefit was not allowed to transfer to carer's allowance and the position regarding an appeal for same. [2163/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The person concerned was awarded carer's benefit on the 10 July 2008. The decision to award carer's benefit was made at that time based on the medical evidence supplied by the person concerned. As his entitlement to carer's benefit was due to expire, he applied for carer's allowance in respect of the same care recipient. The Department's medical assessor, based on the latest medical information supplied, gave an opinion that the care recipient did not require full time care and attention as prescribed in the regulations. On 15 September 2010, the person concerned was refused carer's allowance. He was notified of this decision and the reason(s) for it.

He has appealed the decision and an appeal has been opened in this case. On 13 January 2011 his file was submitted to the Social Welfare Appeals Office. The Social Welfare Appeals Office will be in contact with him directly regarding this appeal.

318. **Deputy Brian O'Shea** asked the Minister for Social Protection his plans to extend the cover of the free travel pass to the cost of taxis for disabled persons who have to visit hospital (details supplied); and if he will make a statement on the matter. [2173/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The free travel scheme is available to people aged 66 years or over, carers in receipt of carer's allowance and carers of people in receipt of constant attendance or prescribed relative's allowance, regardless of their age, receive a free travel pass. It is also available to people under age 66 who are in receipt of certain disability type welfare payments, such as disability allowance, invalidity pension and blind person's pension. People resident in the State who are in receipt of a social security payment from

[Deputy Éamon Ó Cuív.]

a country covered by EU Regulations, or from a country with which Ireland has a bilateral social security agreement, and who have been in receipt of this payment for at least 12 months, are also eligible for free travel. The Health Service Executive may also assist with transport costs in certain circumstances.

The current free travel scheme operated by the Department provides free travel on the main public and private transport services for those eligible under the scheme. These include road, rail and ferry services provided by companies such as Bus Átha Cliath, Bus Éireann and Iarnród Éireann, as well as Luas and services provided by over 80 private transport operators. I have no plans to extend the scheme to include single journeys with taxi companies.

### Unemployment Levels

319. **Deputy Willie Penrose** asked the Minister for Social Protection if he will readjust the assessment of the live register figures to include persons who are aged 18 years or over but who are not entitled to any social welfare payment, because their parents are currently employed, and therefore they are not registered in any way to allow them to participate in FÁS courses; if an appropriate amendment will be made to enable them once so registered, to be eligible for participation in FÁS courses; and if he will make a statement on the matter. [2192/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** This is a matter for the Tánaiste and Minister for Education and Skills.

### Social Welfare Benefits

320. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection the average and longest waiting times for a decision on applications for domiciliary care allowance and the average and longest waiting times for the conclusion of appeals against the refusal of domiciliary care allowance. [2204/11]

321. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection the number and percentage of applications for domiciliary care allowance that were refused at the initial stage each year for the past five years. [2205/11]

322. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection the total number of applications for domiciliary care allowance each year for the past five years. [2206/11]

323. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection the number and percentage of refusals of domiciliary care allowance that were appealed each year for the past five years. [2207/11]

324. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection if he will provide a breakdown of the outcome of appeals against the refusal of domiciliary care allowance including the percentage of appeals that were successful each year for the past five years. [2208/11]

325. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection the guidelines governing decision making on domiciliary care allowance and when were these amended. [2209/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** I propose to take Questions Nos. 320 to 325, inclusive, together.

Since the 1st April 2009 this Department has been accepting new claims for domiciliary care allowance (DCA). Statistics relating to the period prior to April 2009 are not held by this

Department as the scheme was the responsibility of the Health Service Executive (HSE) until that date. The main change to the qualifying conditions for the DCA scheme, since it transferred to this Department in 2009, is that it is now a statutory scheme with the primary legislation provided for in the Social Welfare and Pensions Act 2008. The medical criteria require that “the child has a severe disability requiring continual or continuous care and attention substantially in excess of the care and attention normally required by a child of the same age”.

As there were no agreed national medical guidelines for the scheme while it was administered by the HSE, an Expert Medical Group was established, in advance of the transfer to this Department. The Group considered that the most appropriate way for the Department to conduct assessments for medical eligibility was by assessing evidence submitted by the claimant and the health professionals, rather than by way of individual examination by the Department’s Medical Assessors, as they are not involved in the treatment of the child. The application process operated by the Department involves the submission of a detailed statement by the parent or guardian of the child; a detailed medical assessment by the child’s general practitioner; and any other relevant evidence available from qualified experts who have examined the child. This evidence is then assessed by designated Departmental Medical Assessors who have received special training in the area of child disability.

#### **Claim processing statistics for 2009.**

In the period 1st April 2009 to 31st December 2009 a total of 3,389 DCA applications were received by the Department. 2,823 DCA applications were fully processed by the Departments in 2009 of which 1,792 were deemed not to satisfy the criteria for the scheme. The refusal percentage on new applications in 2009 was 63%. The average processing time in 2009 was 7 weeks.

There were 836 appeals registered in 2009 with 46% of customers appealing their decision. There were 11 DCA appeals processed by an Appeals Officer in this year with 6 appeals allowed, a 54% success rate.

#### **Claim processing statistics for 2010.**

In 2010 a total of 5,457 DCA applications were received by the Department. 5,333 DCA applications were processed by the Department in 2010 of which 3,275 were deemed not to satisfy the criteria for the scheme. The refusal percentage on new applications in 2010 was 61% . Average processing time in 2010 was under 8 weeks.

1,848 appeals were registered in 2010 with 56% of customers appealing their decision. 622 DCA appeals were processed by an Appeals Officer in 2010 with 224 appeals allowed; this indicates an appeal success rate of 36%.

DCA decision times generally do not exceed 8-9 weeks unless the customer is waiting for medical reports to append to their application or documentary proof to satisfy the Habitual Residence Condition. Social Welfare appeals can be dealt with in the Social Welfare Appeals Office by way of summary decision or oral hearing. The average time taken to process DCA appeals decided by summary decision to date is 13.3 weeks, with appeals decided following an oral hearing taking an average of 49.1 weeks. A considerable period of time is added to the process when an oral hearing is required because of the logistics involved in this process.

A number of measures have been taken to improve processes and to increase the throughput of appeals cases generally in the Social Welfare Appeals Office. In addition to the provision of extra staff, more emphasis is now being placed on dealing with appeals on a summary basis so as to increase productivity. A project to improve the business processes in the Social Welfare Appeals Office was also 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.



[Deputy Éamon Ó Cuív.]

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.

*Question No. 326 withdrawn.*

### **Social Welfare Appeals**

327. **Deputy Michael Ring** asked the Minister for Social Protection when an appeal regarding disability allowance will be heard in respect of a person (details supplied) in County Mayo. [2389/11]

**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 07 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 06 October 2010 and the appeal has been referred 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.

328. **Deputy Michael Ring** asked the Minister for Social Protection the outcome of an appeal for jobseeker's allowance in respect of a person (details supplied) in County Galway. [2400/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned has been registered in that office. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Social Welfare Benefits**

329. **Deputy Michael Ring** asked the Minister for Social Protection the reason a person (details supplied) in County Mayo was refused jobseeker's allowance. [2402/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The jobseeker's allowance claim from the person concerned was disallowed on the grounds that he is registered as a student for the academic year 2010/11.

### **Social Welfare Appeals**

330. **Deputy Michael Ring** asked the Minister for Social Protection if an appeal in respect of a disability allowance refusal has been opened for a person (details supplied) in County Mayo. [2406/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned has been registered in that office. It is a statutory requirement of the appeals process that the relevant Departmental papers and

comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

331. **Deputy Michael Ring** asked the Minister for Social Protection if an appeal has been opened in respect of a person (details supplied) in County Mayo. [2407/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned has not been received by that office. 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.

332. **Deputy Michael Ring** asked the Minister for Social Protection the position regarding a carer's allowance appeal in respect of a person (details supplied) in County Mayo. [2408/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** On 24 August 2010 the person concerned was refused carer's allowance on the grounds that full time care and attention is not required in this case. She was notified of this decision, the reason for it and of her right to appeal to the Social Welfare Appeals Office. She has appealed this decision and an appeal has been opened in this case. On 14 January 2011 her carer's allowance file was submitted to the Social Welfare Appeals Office. The Social Welfare Appeals Office will be in contact with her directly regarding this appeal.

### Social Welfare Benefits

333. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when jobseeker's allowance payment for week commencing 20 December 2010 will be paid in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [2412/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The person concerned applied for holidays in respect of the period from 20th December 2010 to 27th December 2010 to travel abroad. He is not entitled to payment of jobseeker's allowance for this period as he had already availed of his full holiday allowance for 2010.

### Social Welfare Appeals

334. **Deputy Michael Ring** asked the Minister for Social Protection when a carer's allowance appeal in respect of a person (details supplied) in County Mayo will be finalised. [2416/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** On 09 December 2009, payment of carer's allowance to the person concerned was stopped on the grounds that she was working more than 15 hours per week, contrary to the conditions for receipt of that payment. She was notified of this decision and the reason(s) for it. She appealed the decision and her file was referred to an investigative officer of this Department for review. On completion of the necessary investigation her carer's allowance was re-instated from the 30 December 2010. Follow-up investigations are ongoing into the possible overpayment of carer's allowance in 2009. On completion of these investigations, a decision will be made and she will be notified directly of the outcome.

335. **Deputy Michael Ring** asked the Minister for Social Protection the position regarding an appeal against domiciliary care allowance refusal in respect of a person (details supplied) in County Mayo. [2417/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The Social Welfare Appeals Office has advised me that an appeal by the person concerned has been registered in that office. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Benefits

336. **Deputy Richard Bruton** asked the Minister for Social Protection if he would make arrangements in order that persons who switch from jobseeker's allowance, including the fuel scheme, to illness benefit will not lose their entitlement to the fuel scheme when there is otherwise no break in their claim. [2439/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The Department assists social welfare recipients with heating costs, through their basic payments, through the fuel allowance scheme and through the household benefits package of electricity and gas allowances.

The national fuel allowance scheme assists householders on long-term social welfare or health service executive payments with meeting the additional cost of their heating needs during the winter season. The allowance represents a contribution towards a person's heating expenses. It is not intended to meet those costs in full and must be seen in the context of the overall level of income available to the family. People in receipt of short-term social welfare payments such as jobseeker's benefit, short-term jobseeker's assistance (i.e. less than 13 weeks), illness benefit or occupational injuries benefit are not normally eligible to receive a fuel allowance. As such, where a person transfers from long term jobseeker's allowance with a fuel allowance to illness benefit they will lose their entitlement to the fuel allowance.

Any changes to the fuel allowance scheme, such as extending eligibility to people on short-term social welfare schemes, would have significant cost implications and would have to be considered in a budgetary context and in the light of resources available.

I would point out to the Deputy that there is a special arrangement in place to pay the smokeless fuel allowance element (€3.90 per week) to people who live in one of the designated urban smokeless fuel areas and who have been receiving either jobseeker's benefit, jobseeker's allowance or illness benefit for 13 weeks or more.

### Social Welfare Appeals

337. **Deputy Pearse Doherty** asked the Minister for Social Protection when a date for an oral hearing will issue on an application for disability allowance in respect of a person (details supplied) in County Donegal; and if he will make a statement on the matter. [2453/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The Social Welfare Appeals Office has advised me that the appeal from the person concerned has been referred to an Appeals Officer who proposes to hold an oral hearing in the case. The person concerned will be informed when arrangements have been made.

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 25% in the number of appeals received in 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.

Since January 2009, 3 additional Appeals Officers have been assigned to the Office, as well as 4 additional staff to the administration area. In addition, it was decided to use experienced retired Appeals Officers strictly on a short term basis to supplement the current resources and eight of these officers have been operating on a part-time basis since July.

In addition to the provision of extra staff, more emphasis is now being placed on dealing with appeals on a summary basis so as to increase productivity. As a result, the number of appeals dealt with by way of oral hearing were reduced from 59% in 2009 to 31.5% in 2010. In addition, 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.

As a result of all of these initiatives, a total of 17,499 appeals were finalised by Appeals Officers in 2010 in comparison to 10,027 for 2009. When revised decisions and withdrawn cases are taken into account the total number of cases finalised in 2010 was 28,166 in comparison to 17,787 for 2009.

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.

### **Community Development**

338. **Deputy Róisín Shortall** asked the Minister for Social Protection the way in which the details of the new Tús scheme are being relayed to local development companies and when it is expected this new scheme will come into operation. [2464/11]

339. **Deputy Róisín Shortall** asked the Minister for Social Protection the way in which the Tús scheme will operate; the way it will be promoted among community organisations and the way such organisations can gain access to the scheme. [2465/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** I propose to take Questions Nos. 338 and 339 together.

A community work placement initiative, to be known as Tús, was launched by me on the 21st December 2010, an event to which all Local Development Companies were invited and to whom details were circulated after the launch. The aims of Tús are to provide short-term, quality work opportunities for those who are unemployed for more than a year. Tús will be delivered at local level by each of the Local Development Companies and by Údarás na Gaeltachta and is built on the proven architecture of the Rural Social Scheme (RSS).

Work placements will be identified by the Local Development Companies within community, voluntary and not-for-profit organisations operating in their area of operations. Local Development Companies already have significant responsibility and expertise in the delivery of supports for the community and voluntary sector under the Local and Community Development Programme funded by the Department of Community, Equality and Gaeltacht Affairs. Local Development Companies have already been requested to promote Tús locally and to establish the level of interest in taking up this initiative.

[Deputy Éamon Ó Cuív.]

My Department is currently preparing support material for Tús in co-operation with Local Development Companies through their national network. This support material will include a short guide to Tús focused on community, voluntary and not-for-profit organisations and other support material. Each Local Development Company will also be provided with access to a small support budget which will enable local promotional activities to be undertaken.

Work has already begun on the roll-out of Tús across the country with the first placements expected towards the end of February when recruitment and other procedures have been completed.

### Ministerial Staff

340. **Deputy Lucinda Creighton** asked the Minister for Social Protection the name of each non-Civil Service adviser employed by him in the years 2009, 2010 and to date in 2011; each adviser's salary, expenses claims and job title in each year; and if he will make a statement on the matter. [2666/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** Special advisers are appointed under the Public Service Management Act 1997. The information requested by the Deputy is set out in the following tabular statement.

Adviser to Minister Mary Hanafin T.D. — Period Covered — 1 Jan 09 to 23 March 2010

March 2010		
		€
Name:	Averil Power	
Title	Special Adviser	
Annual Salary Scale:	1/1/09 to 31/12/09:	86,168 – 100,191
	1/1/10 to 23/3/10:	80,051 – 92,672
Expenses:	1/1/09 to 23/3/10:	Nil

A civil servant was assigned as Press Adviser to Minister Hanafin.

Advisers to Minister Éamon Ó Cuív T.D. — Period Covered — 24 March 2010 to date

		€
Name:	Pádraic Ó hUiginn	
Title:	Special Adviser	
Annual Salary Scale:	24/3/10 to date:	80,051 – 92,672
Expenses:	24/3/10 to date:	Nil
Name:	Michelle Hcctor (commenced 4 May 2010)	
Title:	Special Adviser (Press)	
Annual Salary Scale:	4/5/10 to date:	80,051 – 92,672
Expenses:	4/5/10 to 31/12/10:	166.11
	1/1/11 to date:	Nil

### Official Travel

341. **Deputy Lucinda Creighton** asked the Minister for Social Protection if he will provide details of any foreign trips made by him in the year 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation,

hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the exact mode of ground transportation used; the name of each hotel and the nature of the entertainment for which the expenses were incurred; and if he will make a statement on the matter. [2681/11]

343. **Deputy Lucinda Creighton** asked the Minister for Social Protection if he will provide details of hotel accommodation used by him within the State while on ministerial duties in the year 2009, 2010 and to date in 2011; the name of each hotel in which he stayed; the costs associated with each stay and the purpose of each trip; and if he will make a statement on the matter. [2726/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** I propose to take Questions Nos. 341 and 343 together.

The costs and details of foreign trips made by me in the year 2010 and to date in 2011 are set out in Table 1. Details of hotel accommodation used while on official business within the state from 2009 to date are set out in Table 2.

Table 1

Location	Luxembourg
Dates (from – to)	6/6/2010 – 7/6/2010
Flight costs (type of air travel)	€454.97 (economy class – commercial airline)
Hotel costs (name of hotel)	€209 (Hotel Le Royal, Luxembourg)
Purpose of trip	EU Council of Ministers (EPSCO)
Location	Milwaukee, USA
Dates (from – to)	17/8/2010 – 22/8/2010
Flight costs (type of air travel)	€828.32 (economy class – commercial airline)
Hotel costs (name of hotel)	€521.42 (Milwaukee Athletic Club, Broadway, Milwaukee)
Purpose of trip	Milwaukee Irish Festival and other events including enterprise promotion

Table 2

Date	25/9/2009
Hotel costs (name of hotel)	€99 (Radisson SAS Hotel, Co. Donegal)
Purpose of trip	On Thursday 24th September 2009 Minister Hanafin officially opened the renovated Canon Donohoe Hall for Mohill Family Resource Centre in Leitrim and on Friday 25th September 2009 launched the Donegal Money Advice and Budgeting Service Education Programme in Letterkenny.

342. **Deputy Lucinda Creighton** asked the Minister for Social Protection if he will provide details of any foreign trips made by officials in his Department in the years 2009, 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of the entertainment for which expenses were incurred; and if he will make a statement on the matter. [2696/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** Details of expenditure on foreign travel and subsistence for the Department from 2009 to date in 2011 are set out in Table 1. The Department receives money from the EU as reimbursement (or partial reimbursement)

[Deputy Éamon Ó Cuív.]

of travel expenses incurred when officials travel to attend meetings in Brussels related to EU business.

Details of foreign travel and subsistence for the Department from 1/1/2009 to date

Category	2009	2010 <sup>2</sup>	2011
	€	€	€
Airfare	39,147	26,114	630
Travel <sup>2</sup>	17,653	11,749	104
Subsistence <sup>2</sup>	96,125	64,605	3,481
Management Fee	1,609	1,734	150
Travel Miscellaneous	4,598	1,370	—
Total:	159,132	105,572	4,365

<sup>1</sup> Figures for 2010 are provisional and subject to audit by the Comptroller and Auditor General.

<sup>2</sup> Expenditure for Travel includes transportation costs such as taxis, buses, trains and ferries.

<sup>3</sup> Subsistence figures include Civil Service subsistence payments and hotel accommodation costs.

*Question No. 343 answered with Question No. 341.*

344. **Deputy Lucinda Creighton** asked the Minister for Social Protection if he will provide details of any foreign trips made by officials in public bodies under the remit of his Department in the years 2009, 2010 and to date in 2011, the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of entertainment for which expenses were incurred; and if he will make a statement on the matter. [2741/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** The information requested is currently being compiled within the Department and will be made available to the Deputy as soon as possible.

### Charities Regulation

345. **Deputy Finian McGrath** asked the Minister for Social Protection if he will examine and support a matter (details supplied). [3025/11]

**Minister for Social Protection (Deputy Éamon Ó Cuív):** While the Department makes payments to organisations under schemes such as the Activation and Family Support Programme and the Disability Activation Project, it does not have information as to the charitable status of payees. Any payments made to organisations or agencies with charitable status under these schemes are to co-fund training/education initiatives and not to provide funding to the charity itself.

### Sports Capital Programme

346. **Deputy Michael McGrath** asked the Minister for Tourism, Culture and Sport the position regarding payment of a grant to a club (details supplied) in County Cork under the sports capital grant programme. [2213/11]

**Minister for Tourism, Culture and Sport (Deputy Mary Hanafin):** A payment of €21,000 was approved by the Department to the grantee in question on 14 January 2011 and should be received by the club shortly. While invoices for grant assisted works are on hands in the Depart-

ment for larger amounts the club has been advised it will be necessary to submit additional bank statements verifying that further amounts in respect of these invoices have been paid before more of the grant can be drawn down.

### Ministerial Staff

347. **Deputy Lucinda Creighton** asked the Minister for Tourism, Culture and Sport the name of each non-Civil Service adviser employed by her in the years 2009, 2010 and to date in 2011; each adviser's salary, expenses claims and job title in each year; and if she will make a statement on the matter. [2668/11]

**Minister for Tourism, Culture and Sport (Deputy Mary Hanafin):** Following my appointment as Minister for Tourism, Culture and Sport on 23 March 2010, Ms. Averil Power was appointed as my Special Adviser. Ms. Power is paid on the Principal Officer (Standard Scale) for the civil service. Since her appointment she has not been paid any travel expenses. The role of the Special Adviser is set out in Section 11 of the Public Service Management Act, 1997. This appointment was made in line with Department of Finance guidelines.

### Official Travel

348. **Deputy Lucinda Creighton** asked the Minister for Tourism, Culture and Sport if she will provide details of any foreign trips made by her in the year 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the exact mode of ground transportation used; the name of each hotel and the nature of the entertainment for which the expenses were incurred; and if she will make a statement on the matter. [2683/11]

**Minister for Tourism, Culture and Sport (Deputy Mary Hanafin):** I refer the Deputy to the publication of the details of foreign trips undertaken by me in the course of my official duties, which is regularly updated on my Department's website at <http://www.arts-sport-tourism.gov.ie/publications/list—dept—publications.html>. The most up to date details available of my official travel are contained therein. To ensure accuracy, details are put on the website as and when the relevant bills are paid.

349. **Deputy Lucinda Creighton** asked the Minister for Tourism, Culture and Sport if she will provide details of any foreign trips made by officials in her Department in the years 2009, 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of the entertainment for which expenses were incurred; and if she will make a statement on the matter. [2698/11]

**Minister for Tourism, Culture and Sport (Deputy Mary Hanafin):** It will take some time and resources to disaggregate the details of the cost of travel and subsistence for foreign trips undertaken by my officials in the years 2009, 2010 and 2011 to date. However I have arranged for this information to be collated and sent to the Deputy as soon as possible. I wish to point out that all expenses paid to staff of my Department are in accordance with the Department of Finance circulars governing travel and subsistence.

350. **Deputy Lucinda Creighton** asked the Minister for Tourism, Culture and Sport if she will provide details of hotel accommodation used by her within the State while on ministerial



[Deputy Lucinda Creighton.]

duties in the year 2009, 2010 and to date in 2011; the name of each hotel in which she stayed; the costs associated with each stay and the purpose of each trip; and if she will make a statement on the matter. [2728/11]

**Minister for Tourism, Culture and Sport (Deputy Mary Hanafin):** The details of hotel accommodation used by me within the State while on Ministerial duties since I took up office in the Department in March, 2010 are set out in tabular form as follows.

Date	Hotel	Nights	Cost	Purpose
20/5/10	Killarney Park Hotel, Killarney	1	€ 85	<ul style="list-style-type: none"> <li>• Address Killarney Chamber of Tourism &amp; Commerce</li> <li>• Visit Killarney Golf &amp; Country Club</li> <li>• Launch 2010 Kerry Tourism Marketing Campaign</li> <li>• Visit Department Offices</li> </ul>
6/7/10	Clarion Hotel, Limerick	1	89	<ul style="list-style-type: none"> <li>• Attend Pro-Am Golf Gala Dinner in Adare Manor</li> </ul>
31/7/10	Brehon Hotel, Killarney	1	117	<ul style="list-style-type: none"> <li>• Attendance at the Irish Open Golf and presentation of trophy</li> </ul>
10/8/10	Fernhill House Hotel, Cork	1	55	<ul style="list-style-type: none"> <li>• Visit MV Julia (Cork to Swansea Ferry) in Ringaskiddy</li> <li>• Meet Groups from West Cork (Tourism, Culture &amp; Sport) in Glangarriff, Bantry, Skibbereen, Clonakilty, Bandon and Kinsale</li> <li>• Visit Bantry House</li> <li>• Launch Taste of West Cork Food Festival in Skibbereen</li> <li>• Visit Model Railway Village in Clonakilty</li> <li>• Attend Engage Arts Festival Promotion</li> </ul>
16/9/10	Abbeyglen Castle Hotel, Galway	1	99	<ul style="list-style-type: none"> <li>• Visit Cnoc Suain Cultural Hill Village, Spiddal</li> <li>• Meet local Tourism Group</li> <li>• Open 33rd Clifden Community Arts Week</li> <li>• Events in Donegal the following day</li> </ul>
14/10/10	Castlecoote House, Roscommon	1	85	<ul style="list-style-type: none"> <li>• Photocall at Castlecoote House</li> <li>• Address 23rd Annual Douglas Hyde Conference</li> </ul>

351. **Deputy Lucinda Creighton** asked the Minister for Tourism, Culture and Sport if she will provide details of any foreign trips made by officials in public bodies under the remit of her Department in the years 2009, 2010 and to date in 2011, the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of entertainment for which expenses were incurred; and if she will make a statement on the matter. [2743/11]

**Minister for Tourism, Culture and Sport (Deputy Mary Hanafin):** Official travel and related matters in the Agencies and public bodies under the aegis of my Department are a day-to-day matter for each individual Agency and public body under various legislation pertaining to the establishment of those Agencies and public bodies. I will ask the agencies to supply the details directly to you.

### **Computerisation Programme**

352. **Deputy Willie O’Dea** asked the Minister for Tourism, Culture and Sport her plans to digitise Roman Catholic parish registers here, where copies are currently held on microfilm; the expected cost of this project; if the economic benefits of this project have been evaluated. [2754/11]

**Minister for Tourism, Culture and Sport (Deputy Mary Hanafin):** The National Library of Ireland proposes to digitise Roman Catholic parish registers, currently held on microfilm by that body. The digitisation of this material and its associated cost is a statutory responsibility of the National Library.

### **Charities Regulation**

353. **Deputy Finian McGrath** asked the Minister for Tourism, Culture and Sport if she will examine and support a matter (details supplied). [3027/11]

**Minister for Tourism, Culture and Sport (Deputy Mary Hanafin):** Excluding grants to any tourism, culture or sport organisations which may have some form of charitable status, my Department does not pay money to registered charities. The Department does not seek nor, in general, is it provided with information as to the charitable status, if any, of its grantees, as this does not form a component of its core functions. There are no plans to alter these arrangements.

### **Social and Affordable Housing**

354. **Deputy John O’Mahony** asked the Minister for the Environment, Heritage and Local Government when funding will be made available for a project (details supplied) in County Mayo; and if he will make a statement on the matter. [2053/11]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** My Department’s involvement with voluntary and co-operative housing schemes relates primarily to the provision of funds for individual projects. The detailed administration of the schemes, and the certification that projects comply with the terms and conditions of the funding schemes, are the responsibility of the relevant local authority.

It is thus a matter for each local authority to prioritise voluntary housing projects for funding under my Department’s capital funding schemes. The project in question was not included in the work programme for 2010 primarily because it was not afforded a sufficiently high priority by Mayo County Council. It is intended to issue a call for proposals in the course of 2011 for new voluntary housing projects for inclusion in the work programme. It will be a matter for Mayo County Council to prioritise projects locally having regard to the relative merit of any proposals received and the extent to which they meet housing need.

### **Election Management System**

355. **Deputy Seán Ó Fearghail** asked the Minister for the Environment, Heritage and Local

[Deputy Seán Ó Fearghaíl.]

Government if he will consider the points raised regarding the manning of polling stations (details supplied); and if he will make a statement on the matter. [2054/11]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**

The primary role of my Department in electoral matters is to provide an appropriate policy and legislative framework for a modern and efficient electoral system. Within that framework, local returning officers are responsible for all matters in connection with the actual conduct of elections and referenda, including the selection, appointment and training of polling station and count staff in accordance with the relevant provisions of electoral law.

To assist returning officers, my Department issues guidance to them in advance of each election and referendum. The guidance emphasises that the smooth conduct of polls is dependant on maintaining a cadre of sufficiently skilled and experienced people. Having regard to that overall objective, returning officers are advised to employ competent and efficient persons as polling staff and asked to give consideration, where possible, to employing suitable persons who are unemployed.

### **Building Regulations**

356. **Deputy Terence Flanagan** asked the Minister for the Environment, Heritage and Local Government the inspections carried out by him of residential homes up to 2004 and his dealings with Homebond; and if he will make a statement on the matter. [2086/11]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** The National House Building Guarantee Scheme was established in January, 1978, under the aegis of the Construction Industry Federation, to provide a guarantee to purchasers of new houses against major structural defects. My Department's inspectors carried out inspections of properties covered under the guarantee scheme on an agency basis on behalf of the guarantee company. Costs associated with these inspections were recouped to my Department by the guarantee company. Homebond Insurance Services Limited took over responsibility for the guarantee scheme in January, 1995.

My Department continued to provide inspection services to Homebond up to 2004. My Department's records show that over the period 21 January 1995 to 31 December, 2004, inspections were carried out in relation to some 365,611 properties registered with Homebond. A more detailed breakdown of this information is set out in the relevant Annual Housing Statistics Bulletins, copies of which are available on my Department's website, [www.environ.ie](http://www.environ.ie).

### **Departmental Reports**

357. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government his plans to implement the recommendations of the local government efficiency review group; if he plans to set up regional housing authorities to replace city and county council housing departments and to merge the housing departments of the four Dublin authorities; the proposed time frame and the expected costs, the structural changes involved and the changes to existing processes for application; and if he will make a statement on the matter. [2135/11]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The findings and recommendations of the Report of the independent Local Government Efficiency Review Group are for consideration by the Government in the appropriate policy and financial contexts.

I am currently considering the establishment of an implementation group, with an independent chair, to oversee implementation of relevant recommendations contained in the Report in line with Government decisions. In the meantime, I recently established a group, independently chaired by Mr. Pat McLoughlin (who also chaired the Efficiency Review Group), to carry out a review of the staffing complement and the number of senior managers in Dublin City Council. This review which is to be completed in mid 2011 will recommend to me actions to reduce the Council's staffing complement. Similar arrangements will be put in place in respect of Cork City Council. The Report does not include any specific recommendations regarding the establishment of regional housing authorities.

### **Local Authority Charges**

358. **Deputy Ciarán Lynch** asked the Minister for the Environment, Heritage and Local Government if, following his recent meeting with local representatives, he plans to approve the waiver system for rates proposed by Carrick-on-Suir Town Council, County Tipperary; his plans to facilitate similar schemes nationally; and if he will make a statement on the matter. [2151/11]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I am aware of the request from Carrick-on-Suir Town Council for a rates waiver scheme for new businesses. The issue of rates waiver schemes is complex as by their very nature such schemes favour certain elements or sectors of the rate-paying community over others and place them at a competitive advantage. I have concerns that any such scheme would have repercussions on existing businesses in the area and have implications for EU competition rules. Due to the complex nature of the proposal, any application for a rates waiver scheme requires careful consideration. I hope to be in a position to make a final decision on the application from Carrick-on-Suir Town Council shortly.

### **Departmental Correspondence**

359. **Deputy Seymour Crawford** asked the Minister for the Environment, Heritage and Local Government when he will provide an answer to correspondence from this Deputy of 25 February 2008 (details supplied) regarding Donaghmoyné group water scheme, County Monaghan and its committee's request for a meeting to discuss its grant support problem; his views on whether it is an unacceptable length of time for a reply to this letter; the action he will take on it even at this late stage; and if he will make a statement on the matter. [2172/11]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** A reply issued in relation to this matter on 21 May 2008. I am arranging to have a copy of this reply forwarded to the Deputy.

### **Services for People with Disabilities**

360. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government the position regarding housing options (details supplied). [2405/11]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** It is a matter for individual housing authorities to assess the specific social housing needs and priorities in their areas, including those for adults with a physical or intellectual disability, and to identify a range of housing options to meet such needs. In line with the Government's housing policy statement, Delivering Homes, Sustaining Communities, the development of a national housing strategy for people with a disability is underway and is expected to be finalised early in 2011. The overarching aim of the strategy is to facilitate access

[Deputy Michael Finneran.]

for people with disabilities to an appropriate range of housing and related support services, delivered in an integrated and sustainable manner which promotes equality of opportunity, individual choice and independent living. The strategy will, inter alia, address the specific housing needs of people with physical and intellectual disabilities.

Progress has also been made on the development of a suite of protocols to provide a strategic framework for inter-agency co-operation between housing authorities and the Health Service Executive in relation to the delivery of services for people with disabilities. A protocol governing the coordination of capital and revenue funding for projects provided by approved housing bodies and the individual housing needs of people with a mental health disability has been completed and is expected to be implemented shortly. A final protocol in relation to the strategic assessment of the housing needs of people with a disability will be developed during 2011.

In addition to standard social housing options by way of local authority lettings, the rental accommodation scheme and the social leasing initiative, a wide range of supports is also provided to meet the specific accommodation needs of people with a disability. These include a range of measures under the suite of Housing Adaptation Grant Schemes for Older People and People with a Disability, adaptation works to local authority houses and up to 100% grants to support the provision of specific accommodation by voluntary housing bodies. Notwithstanding the more constrained fiscal environment, meeting the housing needs of the most vulnerable sections of society, including persons with a disability, will continue to be prioritised by Government.

### **Local Authority Charges**

361. **Deputy Dinny McGinley** asked the Minister for the Environment, Heritage and Local Government if he will consider exempting church halls and community centres with charitable status from the payment of water rates; and if he will make a statement on the matter.

[2476/11]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The Government's Water Pricing Policy requires local authorities to recover the cost of providing water services from all non-domestic users of these services. The policy provides for full cost recovery without profit, with charges based on actual metered consumption. In view of the Government's plans to introduce domestic water charges, there are no plans to introduce any exemptions for any category of non-domestic users.

### **Social and Affordable Housing**

362. **Deputy Phil Hogan** asked the Minister for the Environment, Heritage and Local Government if his attention has been drawn to the difficulties being experienced by the local authorities in respect of the implementation of Part V agreements under the Planning and Development Act 2001 for properties in receivership as well as under the control of the National Asset Management Agency; if he will clarify the situation; and if he will make a statement on the matter. [2490/11]

**Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran):** Existing Part V agreements continue to stand even where a loan in respect of a particular development with such an agreement attached has transferred to the National Asset Management Agency or a development is in receivership. However, the manner in which such agreements are delivered on is a matter for the relevant local authority. My

Department is not aware of any specific difficulties being experienced by local authorities in this regard.

### **Control of Dogs**

363. **Deputy Andrew Doyle** asked the Minister for the Environment, Heritage and Local Government the annual budget for the management of dog pounds; the policy concerning euthanasia or rescue services for dogs in the pounds; and his views on the high rate of euthanasia of dogs in pounds in some counties and his plans to request a reference to pound dog welfare in the proposed Animal Health and Welfare Bill. [2495/11]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Under the Control of Dogs Act 1986 a local authority may accept unwanted dogs and may dispose of such dogs in a humane manner. The 1986 Act requires every local authority to maintain shelters for dogs, brought into their possession, under any of the provisions of the Act. The management of such shelters is a function of local authorities.

The Act also provides that authorities may enter into arrangements with third parties for the provision and maintenance of such shelters and for the exercise of the functions of the local authority under the Act in respect of, inter alia, the detention, disposal and destruction of stray dogs. Individual policies in relation to the organisation of euthanasia and rescue services for dogs, in accordance with the overall framework provided by the 1986 Act, are a matter for each local authority.

Based on the most recent information available in my Department, for the year 2009, the expenditure by local authorities on dog control was €5.69 million. This figure includes the cost of providing shelters and all other services provided by local authorities in relation to dog control. The number of dogs put down by or on behalf of local authorities has fallen considerably over the past number of years. In 2006, some 14,598 dogs were humanely put down in local authority shelters. In 2009, the number of dogs put down in local authority shelters had fallen to 6,506, a drop of almost 56%. It is anticipated that this figure will continue to decline.

The Dog Breeding Establishment Act, 2010, which will commence shortly, provides that all dog breeding establishments are required to register with the relevant local authority, pay a registration fee and most importantly meet veterinary, welfare and other standards. My Department is currently completing the public consultation in relation to a set of guidelines on the standards to be maintained in relation to premises covered by the Act. I am confident that the Act will improve the welfare of dogs in the State and should ensure that fewer dogs have to be put down on welfare grounds.

My colleague, the Minister for Agriculture, Food and Fisheries, is preparing an Animal Health and Welfare Bill. I have no plans, at this time, to request specific reference to local authority dog shelters in that Bill.

### **Heritage Sites**

364. **Deputy Joe Costello** asked the Minister for the Environment, Heritage and Local Government if he was consulted by Dublin City Council prior to its demolition of 17/18 Moore Lane over the Christmas of 2010-11; if he will take steps to secure the national monument, 14-17 Moore Street; and if he will make a statement on the matter. [2652/11]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** I refer to the reply to Question Nos. 785, 789 and 792 of 12 January 2011. As the building in question is outside the area encompassed by the Preservation Order on Nos. 14 to 17 Moore

[Deputy John Gormley.]

Street, there was no requirement for Ministerial consent to be obtained for the works and my Department was not consulted in relation to the matter.

### **Ministerial Staff**

365. **Deputy Lucinda Creighton** asked the Minister for the Environment, Heritage and Local Government the name of each non-Civil Service adviser employed by him in the years 2009, 2010 and to date in 2011; each adviser's salary, expenses claims and job title in each year; and if he will make a statement on the matter. [2661/11]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):**  
The information requested is set out in the following table.

Name	Job Title	2009		2010		2011	
		Salary at 31 December	Total Expenses Paid	Salary at 31 December	Total Expenses Paid	Current Salary	Expenses Paid Year to Date
		€	€	€	€	€	€
Donall Geoghegan	Special Adviser*	177,547	Nil	168,000	Nil	168,000	Nil
Liam Reid	Special Adviser: Press & Information Officer	100,191	3,226	95,550	1,659	95,550	Nil
David Healy	Special Adviser	93,449	3,706	89,898	1,923	89,898	Nil
Ryan Meade	Special Adviser	93,449	Nil	89,898	Nil	89,898	Nil

\*Mr. Geoghegan's salary is paid from my Department's Vote but he is based in the Department of the Taoiseach.



### Official Travel

366. **Deputy Lucinda Creighton** asked the Minister for the Environment, Heritage and Local Government if he will provide details of any foreign trips made by him in the year 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the exact mode of ground transportation used; the name of each hotel and the nature of the entertainment for which the expenses were incurred; and if he will make a statement on the matter. [2676/11]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The following table summarises the international journeys made by me during 2010. I have made no international journeys to date in 2011. These flights were all made on commercial airlines.

Destination	Purpose	Hotel	Flight	Ground Transportation	Entertainment
Seville 15 January 2010 to 17 January 2010	Informal Meeting of Council of Ministers for the Environment	€ 0 Hotel Melia Colon, arranged and paid for by Spanish Presidency	€ 591.04	€ 0 Spanish Presidency provided car and coach transport	€ 0
Brussels 14 March 2010 to 15 March 2010	Council of Ministers for the Environment	146.15 Hotel Charlemange	605.18 Flights costs refundable by EU	77.00 Taxi shared with officials to and from Airport in Brussels; walked to and from meeting	0
New York 11 May 2010 to 14 May 2010	Meeting of United Nations Conference on Sustainable Development	654.93 Affinia 50 Hotel	2,330.25	0 Irish Ambassador to the UN provided transport by car to and from airport and for one meeting; walked to and from other meetings	0

367. **Deputy Lucinda Creighton** asked the Minister for the Environment, Heritage and Local Government if he will provide details of any foreign trips made by officials in his Department in the years 2009, 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of the entertainment for which expenses were incurred; and if he will make a statement on the matter. [2691/11]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** The majority of foreign travel undertaken by officials from my Department involves attending European Union related meetings, usually in Brussels. Other foreign travel is undertaken as necessary to attend meetings on matters that are under the remit of my Department. The cost of many of these flights is recouped from the EU and at all times my Department seeks to minimise the costs of such travel. All flights were by commercial airline.

The following table shows the number of flight taken by officials from my Department in the years 2009, 2010 and to date in 2011. It also contains details of the total costs of these flights, accommodation costs and ground transportation costs. Officials rarely incur entertainment expenses while travelling abroad on official business.

The detailed information sought by the Deputy relating to each trip undertaken by officials is not readily available and its compilation would involve a disproportionate amount of time and work. If the Deputy requires details in relation to a specific foreign trip undertaken by officials from my Department I will endeavour to make that information available to her.

Figures for ground transportation and accommodation for the latter part of 2010 and for 2011 are on the basis of expenses claims paid to date.

Year	Number of Flights	Net Flight Costs (as charged to the Department)	Ground Transportation (includes travel to and from airports at home and abroad)	Accommodation Costs
		€	€	€
2009	730	108,703	45,235	157,000
2010	681	118,000	41,257	155,000
2011 (to 14th Jan)	14	1,017	622	209

368. **Deputy Lucinda Creighton** asked the Minister for the Environment, Heritage and Local Government if he will provide details of hotel accommodation used by him within the State while on ministerial duties in the years 2009, 2010 and to date in 2011; the name of each hotel in which he stayed; the costs associated with each stay and the purpose of each trip; and if he will make a statement on the matter. [2721/11]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Details of the hotel accommodation within the State used by me while on Ministerial duty in 2009 and 2010 are outlined as follows. I have not used hotel accommodation while on Ministerial duties to date in 2011.

Travel	
Date of stay:	30 January, 2009
Hotel:	Galway Bay Hotel, Galway
Cost:	€105
Purpose:	Official engagements in Ennistymon and Carron, Co. Clare, followed by media interviews. Meetings with Galway City Lord Mayor, Galway City Manager, and TDs. On the following day, meetings with the Chair of the Heritage Council, representatives of local turf cutting interests and a deputation regarding the Athenry Sewerage Scheme, along with TDs.
Date of stay:	20 February, 2009
Hotel:	Jury's Hotel, Cork
Cost:	€179
Purpose:	Address the University College Cork Planning School. Meeting with Ballincollig Tidy Towns Committee. Lunch meeting with business people in Kinsale. Launch of National Inventory of Architectural Heritage Report for North Cork in Fermoy. On the following day meeting with Dr. Áine Ryall, Faculty of Law, University College Cork.

[Deputy John Gormley.]

## Travel

Date of stay:	8 May, 2009
Hotel:	Mount Brandon Hotel, Tralee
Cost:	€69
Purpose:	Attend Green Flag events in three schools in Co. Clare followed by media interviews. Visit to Limerick Youth Services Café followed by meeting with University of Limerick Environment Committee. On the following day I attended the opening of a Sheltered Housing Project in Tralee.
Date of stay:	28 May, 2009
Hotel:	Kingsley Hotel, Cork
Cost:	€129
Purpose:	Meeting with Fermoy Boat Club committee followed by media interviews. Meeting with Cobh residents regarding Cobh Landslide Programme. On the following day I conducted media interviews and attended the An Taisce Green Flag Awards.
Date of stay:	20 November, 2009
Hotel:	Cork Airport Hotel
Cost:	€85.50 for accommodation and room charge and €185 for conference room hire.
Purpose:	Meeting with Cork City and County Managers and the following day inspection of flood damage to Cork City and County.
Date of stay:	22 April, 2010
Hotel:	Rochestown Park Hotel, Cork
Cost:	€95
Purpose:	To attend Engineers Ireland Conference.

369. **Deputy Lucinda Creighton** asked the Minister for the Environment, Heritage and Local Government if he will provide details of any foreign trips made by officials in public bodies under the remit of his Department in the years 2009, 2010 and to date in 2011, the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of entertainment for which expenses were incurred; and if he will make a statement on the matter. [2736/11]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** Day to day operational matters, including foreign travel for officials of the agencies under the aegis of my Department, are matters for the agency or body concerned. The agencies have been reminded of the ongoing requirement to adhere to Department of Finance guidelines concerning travel, subsistence and associated expenses.

### Ministerial Appointments

370. **Deputy Lucinda Creighton** asked the Minister for the Environment, Heritage and Local Government the number of appointments he has made to the boards of public bodies in each of the years 2007, 2008, 2009, 2010 and to date in 2011; if he will name each appointee; the details of the remuneration associated with each position in each year; the expenses claimed by each appointee; and if he will make a statement on the matter. [2746/11]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** A number of different statutory processes are involved in appointments to State boards. In some cases statutory selection procedures must be followed or nominations must be sought from independent nominating panels before appointments are made by the Government or by the Minister for the Environment, Heritage and Local Government. In other cases only particular public office holders may be appointed to certain boards. In a number of situations, only some appointments to the body concerned are made by the Minister, or appointments are made with the consent of the Minister for Finance or following consultation with the Minister for Finance or Minister for Education and Skills, as appropriate.

In the context of the above, the following table sets out relevant information in respect of all persons appointed by me to the state boards under the aegis of my Department since my appointment in 2007. Some may have retired from these positions in the interim. Day to day operational matters, including travel and subsistence allowances for meals and so on for officials, board members or directors of the agencies under the aegis of my Department, are a matter for the agency or body concerned and my Department does not routinely collect information in this regard.

The agencies have been reminded of the ongoing requirement to adhere to Department of Finance guidelines concerning travel, subsistence and associated expenses. The Government decision to reduce travel and subsistence rates has been brought to their attention and they were instructed to implement the reduced rates with effect from 5 March 2009. The boards of An Bord Pleanála and the Environmental Protection Agency are executive in nature and the members are full-time salaried positions.

Under the rationalisation of State Agencies the NBA is due to be wound up over the course of 2011. A new Housing Agency, the Housing and Sustainable Communities Agency (established on an administrative basis last year), will require statutory underpinning. The primary legislation establishing that Agency will also facilitate the closure of the NBA. The Board is an interim Board and has been appointed to oversee the parallel tasks of the closure of the NBA and establishing the new Agency. The interim board is made up of 8 members, 4 of whom have been reappointed from the previous NBA Board. The 4 new appointments consist of 2 civil servants, a local authority official and 1 other. The previous NBA Board had 12 members, 9 of whom were paid fees. Under the new arrangements, only 3 appointees are in receipt of fees.

The functions of the Fire Services Council are being undertaken by the Department since the term of office of its members expired on 30 June 2009. It is not intended to reappoint a Council.

Name of State Body/Board	Year of appointment	Names of Person Appointed	Remuneration payable (Salary Comparator/ Annual Fee/Per Diem Fees Current rate unless otherwise stated)	
Affordable Homes Partnership	2007	Catherine Gorman	€7,695	The Minister appointed Board members in accordance with The Affordable Homes Partnership Establishment Order 2005. The lifetime of the AHP officially ended at 31 December 2010.
	2007	Conn Murray*	Nil	
An Bord Pleanála	2007	Thomas O'Connor*	Minimum of Assistant Secretary Scale (Non-Personal Pension Contribution Rate)	Appointed as ordinary member of An Bord Pleanála by the Minister under section 104 of the Planning and Development Act 2000.
	2010	Margaret Byrne*	2010: €121,208	Appointed as ordinary member of An Bord Pleanála by the Minister under section 106 of the Planning and Development Act 2000.
Building Regulations Advisory Board	2008	Jay Stuart	2008 €10,500	The Minister appoints the Building Regulations Advisory Body (BRAB), under Section 14 of the Building Control Act 1990. While there is no ex-officio category of membership, the practice has been to invite relevant organisations to nominate possible members.  Chair  Construction Industry Federation Department of the Environment, Heritage and Local Government National Disability Authority Dublin City Council IBEC Department of the Environment, Heritage and Local Government National Standards Authority of Ireland Department of the Environment, Heritage and Local Government Department of the Environment, Heritage and Local Government National Consumer Agency An Garda Síochána Office of Public Works Sustainable Energy Association Ireland
			2009 €9,450	
			2010 €8,798	
			2011 €8,798	
	2008	Brian McKeon	Nil	
	2008	Cian O'Lionáin*	Nil	
	2008	Jack Callanan	Nil	
	2008	Jimmy Keogan*	Nil	
	2008	Mark McAuley	Nil	
	2008	Noel Carroll*	Nil	
	2008	Sean Balfe*	Nil	
	2008	Jacqui Donnelly*	Nil	
	2008	Sarah Neary*	Nil	
	2008	Terry Prendergast	Nil	
2008	Insp Maria Walsh*	Nil		
2008	Edel Collins*	Nil		
2008	Kevin O'Rourke*	Nil		

Name of State Body/Board	Year of appointment	Names of Person Appointed	Remuneration payable (Salary Comparator/ Annual Fee/Per Diem Fees Current rate unless otherwise stated)	
An Chomhairle Leabharlanna	2008	Senator Mark Dearey	2008 €10,500 2009 €9,450 2010 €8,978	An Chomhairle's members are appointed by the Minister for the Environment, Heritage and Local Government in accordance with the Local Government (An Chomhairle Leabharlanna) Regulations 1997-2007, all but three on the nomination of specified organisations, for a five-year term, as outlined below.  The Chair of An Chomhairle is appointed by the Minister in consultation with the Minister for Education and Skills.
	2008	Councillor Pat McMahon	Nil	Minister for Environment, Heritage and Local Government
	2008	Councillor Cora Long	Nil	Minister for Environment, Heritage and Local Government
	2008	Councillor Des Hurley	Nil	Association of County and City Councils
	2008	Councillor Michael Abbey	Nil	Local Authority Members Association
	2008	Councillor Jim Darcy	Nil	Association of Municipal Authorities of Ireland
	2008	Deirdre Ellis-King*	Nil	Library Association of Ireland
	2008	Ruth Flanagan*	Nil	Library Association of Ireland
	2007 2008	Colette O'Flaherty*	Nil	National Library of Ireland
	2008	Robin Adams*	Nil	Board of Trinity College, Dublin
	2008	Jim Foran*	Nil	Higher Education Authority
	2008	Paul Sheehan*	Nil	Higher Education Authority
	2008	Gerardine Moloney*	Nil	Higher Education Authority
	2010	Councillor Billy Cameron	Nil	Association of County and City Councils
	2010	Pat McMahon *	Nil	Library Association of Ireland
	2010	Fionnuala Hanrahan*	Nil	Library Association of Ireland

Name of State Body/Board	Year of appointment	Names of Person Appointed	Remuneration payable (Salary Comparator/ Annual Fee/Per Diem Fees Current rate unless otherwise stated)	
Comhar Sustainable Development Council				Persons are appointed by the Minister from nominations by bodies under each of the five pillars: State/public sector Economic sector Economic sector Environmental NGOs Social/community NGOs Professional/academic sector The Heritage Council
	2009	Shirley Clerkin *	Nil	Department of Environment, Heritage and Local Government
	2009	Tom O'Mahony *	Nil	Office for Local Authority Management
	2009	Jackie Maguire *	Nil	Environmental Protection Agency
	2009	Micheal O'Cinneide *	Nil	Business in the Community Ireland
	2009	Dr Clare Penny	Nil	Irish Creamery Milk Suppliers Assoc.
	2009	Emer Dunne	Nil	Irish Farmers Association
	2009	Ruaidhrí Deasy	Nil	Irish Environmental Network (Feasta)
	2009	David Korowicz	Nil	Irish Environmental Network (An Taisce)
	2009	Frank Corcoran*	Nil	Irish Environmental Network (GRIAN)
	2009	Pat Finnegan	Nil	Irish Environmental Network (An Taisce)
	2009	Jack O'Sullivan	Nil	Social Justice Ireland
	2009	Fr Sean Healy	Nil	D'chas
	2009	Niamh Garvey	Nil	National Youth Council of Ireland
	2009	Elaine Nevin	Nil	Irish Rural Link
	2009	Seamus Boland	Nil	Royal Irish Academy
	2009	Sue Scott*	Nil	Royal Town Planning Institute
	2009	Deirdre McGrath*	Nil	Royal Irish Academy
	2009	Prof Vincent O'Flaherty*	Nil	Department of the Environment, Heritage and Local Government
	2009	Michael Layde*	Nil	Fáilte Ireland
	2010	Mary Stack*	Nil	Small Firms Association
	2010	Mairead Cirrillo	Nil	Irish Business and Employers Confederation
	2010	Finola McDonnell	Nil	Irish Environmental Network (Friends of the Earth)
	2010	Molly Walsh	Nil	Community Workers Co-op
	2010	Ann Irwin	Nil	Royal Irish Academy
	2010	Prof Ray Bates *	Nil	Royal Dublin Society
2010	Ciaran Byrne *	Nil	Irish Farmers Association	
2010	Pat Farrell	Nil	Environmental Protection Agency	
2010	Dr Matthew Crowe *	Nil	Department of the Environment, Heritage and Local Government	
2010	John McCarthy*	Nil		

Name of State Body/Board	Year of appointment	Names of Person Appointed	Remuneration payable (Salary Comparator/ Annual Fee/Per Diem Fees Current rate unless otherwise stated)	
Designated Areas Appeals Advisory Board	2010	Ciana Campbell, appointed as Co-Chair	€208 per meeting plus €208 per preparation day	Appointed by the Minister for Environment, Heritage and Local Government
Dublin Docklands Development Authority — Board	2007 2009 2009 2010 2010	Mark Griffin* Yvonne Farrell Gerry McCaughey Dr Berna Grist* Prof. Niamh Brennan*	Nil €11,970 €24,000** €11,970 Nil	Appointments to the DDDA are made by the Minister for the Environment, Heritage and Local Government under the DDDA Act 1997
Dublin Docklands Development Authority — Council	2008 2009 2009 2009 2009 2009 2009 2009 2010 2010	Deaglain O' Brian* Maurice Scully David Walsh* Greg Clarke* Niall Ring Claire O'Regan* Ray McAdam* Anne Graham* Eamonn O'Reilly*	Nil Nil Nil Nil Nil Nil Nil Nil Nil Nil	The DDDA Council is appointed under section 16 of the DDDA Act 1997 and nominated by the following: Minister for Community Equality & Gaeltacht Affairs Bord Gáis Eireann Department of the Environment, Heritage and Local Government Dublin Chamber of Commerce Dublin City Council Dublin City Council Dublin City Council National Transport Authority Dublin Port Company
Environmental Protection Agency	2008 2008 2009 2009 2010	Larry Stapleton* Micheal O' Cinneide* Laura Burke* Dara Lynott* Matthew Crowe*	Salary Scales Non-PPC (Personal Pension Contribution): €121,208-€138,655 PPC: €127,588-€145,952	Appointed by the Government under section 24 of the Environmental Protection Agency Act 1992



Name of State Body/Board	Year of appointment	Names of Person Appointed	Remuneration payable (Salary Comparator/ Annual Fee/Per Diem Fees Current rate unless otherwise stated)	
Fire Services Council	2008	Brendan Mahon*	Nil	Department of the Environment, Heritage and Local Government
The Heritage Council	2008	Conor Newman*	€8,978	Appointed by the Minister for the Environment, Heritage and Local Government in accordance with PART II 5. (5) the Schedule to the Heritage Act 1995
	2008	Kealin Ireland	€5,985	
	2008	Dr Henry Lyons	€5,985	
	2008	Gráinne Shaffrey	€5,985	
	2008	Ian Lumley	€5,985	
	2008	Brian Lucas*	Nil	
	2010	Helen O'Carroll*	Nil	
	2010	Professor Gabriel Cooney*	Nil	
	2010	Dr Brendan Dunford	€5,985	
	2010	Dr Caro-Lynn Ferris	€5,985	
	2010	Mary Keenan	€5,985	
Housing Finance Agency	2010	John Bolger*	€11,970	Appointed by the Minister under the Housing Finance Agency Act 1981
	2008	Philip Nugent*	Nil	
Housing and Sustainable Communities Ltd***	2010	Rich Howlin	Nil	Housing and Sustainable Communities Ltd was formed as a Private Single Member company subsidiary of the National Building Agency. This Board is the same Board appointed to the National Building Agency.
	2010	Gordon Richards*	Nil	
	2010	Eddie Lewis*	Nil	
	2010	John O'Connor*	Nil	
	2010	Marie McLaughlin*	Nil	
	2010	Peter Carey*	Nil	
	2010	John McCloskey	Nil	
	2010	Ann McGuinness	Nil	

Name of State Body/Board	Year of appointment	Names of Person Appointed	Remuneration payable (Salary Comparator/ Annual Fee/Per Diem Fees Current rate unless otherwise stated)	
Irish Water Safety	2008	Laurence Kelly*	Nil	Department of the Environment, Heritage and Local Government
	2009	Dave Corcoran*	Nil	
Limerick Northside Regeneration Agency				All nominations to the Boards of the Limerick Regeneration Agencies are made by way of Ministerial Order as set out in SI 275 and SI 276 of 2007 which established the Agencies. These were amended by the Local Government Services (Corporate Bodies) (Confirmation of Orders) Act 2008. The Orders and Act set out the membership of the Boards.
	2007	John Fitzgerald	€8,550	Chairperson
	2007	Brendan Kenny*	Nil	CEO of the Agencies
	2007	John Laffan*	Nil	Department of Environment, Heritage and Local Government
	2007	Kathleen Stack*	Nil	Department of Community Equality & Gaeltacht Affairs
	2007	Michelle Shannon*	Nil	Department of Justice & Law Reform
	2007	Mary Moloney*	Nil	Department of Social Protection Representative
	2007	Tom Mackey*	Nil	Limerick City Manager
	2007	Alec Fleming*	Nil	Clare County Manager
	2007	Ned Gleeson*	Nil	Limerick County Manager
	2007	Willie Keane*	Nil	An Garda Síochána
	2007	Anne Cremin	Nil	Community Representative
	2007	Paddy Flannery	€5,985	Community Representative
	2007	Michael Tiernan	€5,985	Business Community Representative
	2007	Pat Fitzgerald*	Nil	HSE
	2007	Pat McSitríc*	Nil	Department of Education and Skills
	2008	Eddie Lewis*	Nil	Department of the Environment, Heritage and Local Government
	2008	Nuala Kernan	€5,985	Community Representative
	2008	Mary Donnelly*	Nil	FAS
	2009	Tom Coughlan*	Nil	Clare County Manager
2009	Frank McGlynn*	Nil	Department of Social Protection	
2009	Thomas Mahon*	Nil	An Garda Síochána	
2009	Mary Tully*	Nil	Department of the Environment, Heritage and Local Government	
2010	David Sheahan*	Nil	An Garda Síochána	
2010	Michael Layde*	Nil	Department of the Environment, Heritage and Local Government	

Name of State Body/Board	Year of appointment	Names of Person Appointed	Remuneration payable (Salary Comparator/ Annual Fee/Per Diem Fees Current rate unless otherwise stated)	
Limerick Southside Regeneration Agency	2007	John Fitzgerald	€8,550	Chairperson
	2007	Brendan Kenny*	Nil	CEO of the Agencies
	2007	John Laffan*	Nil	Department of the Environment, Heritage and Local Government
	2007	Kathleen Stack*	Nil	Department of Community Equality & Gaeltacht Affairs
	2007	Michelle Shannon*	Nil	Department of Justice & Law Reform
	2007	Mary Moloney*	Nil	Department of Social Protection
	2007	Tom Mackey*	Nil	Limerick City Manager
	2007	Alec Fleming*	Nil	Clare County Manager
	2007	Ned Gleeson*	Nil	Limerick County Manager
	2007	Willie Keane*	Nil	An Garda Síochána
	2007	Fr. Pat Hogan	€5,985	Community Representative
	2007	Ann Kavanagh	€5,985	Community Representative
	2007	Liam McElligott	€5,985	Business Community Representative
	2007	Pat Fitzgerald*	Nil	HSE
	2007	Pat McSitric*	Nil	Department of Education and Skills
	2008	Eddie Lewis*	Nil	Department of the Environment, Heritage and Local Government
	2008	Anne Bourke	Nil	Community Representative
	2008	Mary Donnelly	Nil	FAS
	2009	Tom Coughlan*	Nil	Clare County Manager
	2009	Frank McGlynn*	Nil	Department of Social Protection
2009	Thomas Mahon*	Nil	An Garda Síochána	
2009	Mary Tully*	Nil	Department of the Environment, Heritage and Local Government	
2010	David Sheahan*	Nil	An Garda Síochána	
2010	Michael Layde*	Nil	Department of the Environment, Heritage and Local Government	

Name of State Body/Board	Year of appointment	Names of Person Appointed	Remuneration payable (Salary Comparator/ Annual Fee/Per Diem Fees Current rate unless otherwise stated)	
Local Government Computer Services Board	2008	Paul McDonald*	Nil	Department of the Environment, Heritage and Local Government
	2008	*Laurence Kelly		
	2009	Paul Lemass*		
Local Government Management Services Board	2007	Joe Allen*	Nil	Department of the Environment, Heritage and Local Government
	2008	Martha Doyle*		
	2008	Paul Lemass*		
	2010	Barry Quinlan*		
	2007	John McCarthy*	Nil	
	2011	Rich Howlin	€11,970	
	2011	Gordon Richards*	Nil	
	2011	Eddie Lewis*	Nil	

### Charities Regulation

371. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government if he will examine and support a matter (details supplied). [3022/11]

**Minister for the Environment, Heritage and Local Government (Deputy John Gormley):** My Department provides grant assistance in a range of areas to organisations which are registered charities. Details of payments to such organisations in 2010 are set out in the following table. (Other organisations may also have charitable status but the information is not available in my Department).

Year	Organisation	Purpose	Amount
			€
2010	An Taisce	National Spring Clean Week,	260,000
		Blue Flag and Green Coast Award Schemes	200,000
		Green Schools	200,000
		Green Communities Initiative	10,000
		Participation in planning process.	70,000
	Irish Water Safety Association	Grant towards running costs of organisation	539,000
	Irish Blue Cross	National Spay Week	15,000
	Irish Society for the Prevention of Cruelty to Animals	Maintenance of Guard Dog Register	20,000
	Birdwatch Ireland	Breeding Wader Grant Scheme	120,004
	Birdwatch Ireland	Bird monitoring schemes and surveys	882,586
	International Centre for Local and Regional Development (UK)	Contribution to research on spatial housing indicators	6,000
	Range of conservation organisations	Civic Structures Conservation Grants Scheme for the purpose of conservation works on buildings and structures	793,215
	Irish National Committee of the International Council on Monuments and Sites	Contribution towards operating costs and annual subscription	29,242
	Irish Architecture Foundation	Core funding and funding of specific architecture awareness raising initiatives	118,000
	Irish Architectural Archive	Development of digital archive	32,000
	Irish Heritage Trust	Core funding to meet establishment and operational costs of the Trust	436,000
	ECO-UNESCO	Young Environmentalist Awards	31,500
	Cork Environmental Forum	Core funding	16,200
	Golden Eagle Trust Ltd.	Golden Eagle, White Tailed Eagle and Red Kite reintroduction project; Hen Harrier survey.	250,258
	The National Grey Partridge Conservation Project	The National Grey Partridge Conservation Project at Boora, Co. Offaly	260,734
	Shannon Dolphin & Wildlife Foundation	Shannon dolphin monitoring	11,960
	Irish Whale and Dolphin Group	Cetacean monitoring schemes and surveys	104,359
	Bat Conservation Ireland	Bat monitoring schemes and surveys	65,117
	Irish Guide Dogs for the Blind	Contribution towards operating costs	2,000

In addition to the above, my Department recoups to local authorities costs associated with the provision of accommodation and related services by voluntary housing bodies, some of which may have charitable status.

### Energy Conservation

372. **Deputy Joe Carey** asked the Minister for Communications, Energy and Natural

Resources the position regarding funding in 2011 for the warmer homes scheme as administered by the Sustainable Energy Authority of Ireland; and if he will make a statement on the matter. [2379/11]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The Warmer Homes Scheme (WHS) is administered by the Sustainable Energy Authority of Ireland (SEAI) on behalf of my Department to provide energy efficiency improvements to low-income homes.

My Department is currently engaging with key stakeholders in developing a framework for the operation of the National Retrofit Programme over the next three years. The programme will be launched shortly and will entail the transition of the existing Warmer Homes Scheme, Home Energy Saving Scheme and Greener Homes Scheme over the course of the year. The allocation for the National Retrofit Programme in 2011 is €69.4 million, which encompasses funding for low-income housing retrofits, previously undertaken via the WHS. In addition, it is intended that the new energy efficiency tax relief scheme announced by the Minister for Finance in his Budget speech will fully complement the retrofit programme. In advance of the transition to the new national retrofit programme, the WHS will continue to operate as normal.

### Electricity Generation

373. **Deputy Leo Varadkar** asked the Minister for Communications, Energy and Natural Resources if the decision to increase REFIT tariffs for bio-energy were agreed by Cabinet, that is, a Government decision or his decision; and if he will make a statement on the matter. [2424/11]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The proposed REFIT support scheme for Biomass was submitted to Brussels for State aid clearance in early November 2010. This scheme, which is aimed at supporting the use of biomass in electricity generation and heat production, incorporates a proposed range of tariffs for different technologies and scales of that technology and requires State aid clearance before it can open for applications. Once State aid clearance has been received from Brussels, the final proposed scheme will be brought to Government before being opened for applications.

### Telecommunications Services

374. **Deputy Tom Hayes** asked the Minister for Communications, Energy and Natural Resources the planned roll-out of the rural broadband scheme; when Ballyporeen, County Tipperary, which has no broadband coverage can apply for this scheme; when it will be up and running in Ballyporeen; and if he will make a statement on the matter. [2432/11]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The provision of telecommunications services, including broadband services, is a matter in the first instance 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](http://www.callcosts.ie) provides detailed information on the various private sector telecommunications products and services available on a county by county basis, including County Tipperary. 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. Since the completion of the roll out of the National Broadband Scheme in October

[Deputy Eamon Ryan.]

2010, there is at least one service provider offering a broadband service in all areas of Ireland. Attention is now being focussed on isolated cases where broadband is not being delivered due to technical or line of sight reasons.

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 will formally announce the launch of a Rural Broadband Scheme (RBS), shortly. This scheme will aim to provide a basic broadband service to individual unserved rural premises outside of the NBS areas. Ballyporeen, County Tipperary, is not covered by the NBS and therefore any unserved premises in that locality will be eligible to apply under the scheme.

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 and that the scheme will be fully rolled out by the end of 2012. 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 unserved premises, Ireland will very shortly be fully served from a broadband perspective.

### Ministerial Staff

375. **Deputy Lucinda Creighton** asked the Minister for Communications, Energy and Natural Resources the name of each non-Civil Service adviser employed by him in the years 2009, 2010 and to date in 2011; each adviser's salary, expenses claims and job title in each year; and if he will make a statement on the matter. [2656/11]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The information requested by the Deputy is outlined in the tables below:

2009

Name	Title	Annual Salary	Expenses paid
			€
Morgan Bazilian	Minister's Special Adviser	€107,485 (employed to 26/6/09)	5,462
Stephen O'Connor	Minister's Special Adviser	€107,485 (employed from 29/6/09)	20
Brid McGrath	Press Adviser	€93,449	Nil
Suzanne Duke	Special Adviser to Minister Of State	€93,449	26

2010

Name	Title	Annual Salary	Expenses paid
		€	€
Stephen O'Connor	Minister's Special Adviser	99,236	5,035
Brid McGrath	Press Adviser	89,898	Nil
Suzanne Duke	Special Adviser to Minister of State	89,898	43

2011

Name	Title	Annual Salary	Expenses paid
		€	€
Stephen O'Connor	Minister's Special Adviser	99,326	Nil
Brid McGrath	Press Adviser	89,898	Nil
Suzanne Duke	Special Adviser to Minister of State	89,898	Nil

### Official Travel

376. **Deputy Lucinda Creighton** asked the Minister for Communications, Energy and Natural Resources if he will provide details of any foreign trips made by him in the year 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the exact mode of ground transportation used; the name of each hotel and the nature of the entertainment for which the expenses were incurred; and if he will make a statement on the matter. [2671/11]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** I regret to advise the Deputy that it has not been possible to compile the information requested within the allotted time. I will forward the reply to the Deputy as soon as it is available.

377. **Deputy Lucinda Creighton** asked the Minister for Communications, Energy and Natural Resources if he will provide details of any foreign trips made by officials in his Department in the years 2009, 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of the entertainment for which expenses were incurred; and if he will make a statement on the matter. [2686/11]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** In the time available, it has not been possible to conclude an examination of the relevant records. Officials within my Department are continuing the examination of the position and I will revert to the Deputy as soon as possible.

378. **Deputy Lucinda Creighton** asked the Minister for Communications, Energy and Natural Resources if he will provide details of hotel accommodation used by him within the State while on ministerial duties in the years 2009, 2010 and to date in 2011; the name of each hotel in which he stayed; the costs associated with each stay and the purpose of each trip; and if he will make a statement on the matter. [2716/11]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The details requested by the Deputy are set out in the table below:

Date	Hotel	Purpose of Visit	Cost
29th April 2010	The River Lee Hotel, Western Road, Cork	Cork Institute of Technology 24th Mechanical, Manufacturing and Biomedical Engineering Exhibition. Address and Awards Presentation	€99.00



379. **Deputy Lucinda Creighton** asked the Minister for Communications, Energy and Natural Resources if he will provide details of any foreign trips made by officials in public bodies under the remit of his Department in the years 2009, 2010 and to date in 2011, the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of entertainment for which expenses were incurred; and if he will make a statement on the matter. [2731/11]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** The arrangements regarding the booking of accommodation, travel arrangements and hospitality at home or abroad are a day-to-day operational issue for the bodies concerned. I can advise the Deputy that my Department liaises with the bodies under the remit of my Department on an ongoing basis in relation to their responsibilities under the various Department of Finance guidelines relating to such matters.

### Charities Regulation

380. **Deputy Finian McGrath** asked the Minister for Communications, Energy and Natural Resources if he will examine and support a matter (details supplied). [3017/11]

**Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan):** During 2010, under the digital inclusion scheme — known as BenefIT, my Department made payments to three organisations which are understood to have obtained charitable status under the scheme operated by the Revenue Commissioners, as follows:

Organisation	Amount
	€
Mullaghmatt-Cortolvin Community Development Ltd	10,960
Age Action Ireland Ltd	14,300
Dublin Employment Pact	14,300
Total	39,560

### Grant Payments

381. **Deputy John Perry** asked the Minister for Agriculture, Fisheries and Food if a person (details supplied) in County Leitrim will receive their single farm payment as a matter of urgency; and if he will make a statement on the matter. [2029/11]

**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 17 May 2010. This application was selected for a Ground Eligibility and Full Cross Compliance inspection. During the course of the Cross Compliance inspection the following non compliances were found under Statutory Management Requirements relating to animal identification and registration. The bovine herd register was not presented or maintained and three animals over 30 days old were not tagged. The ovine flock register was not presented or maintained. Ovine dispatch dockets were not presented or maintained and there were discrepancies on annual census figures submitted to the central database.

This resulted in an overall Cross Compliance penalty of 5% being applied to the 2010 Direct Payments. A formal decision issued to the person named on the 14 December 2010 that advised him of his right to seek a review of the decision within 21 days to the District Inspector and of

his right to appeal the outcome of any such review to the Independent Agriculture Appeals Office. The inspection process is complete and the application has been fully processed. Payments under the Disadvantaged Areas Scheme issued on 22 December 2010. Advance payment under the Single Payment Scheme issued on 16 December with the balancing payment issuing on 21 December 2010.

382. **Deputy John Perry** asked the Minister for Agriculture, Fisheries and Food if a person (details supplied) in County Sligo will receive their single farm payment as a matter of urgency; and if he will make a statement on the matter. [2030/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2010 Single Payment Scheme was received from the person named on 13 April 2010. The 50% advance payment, which issued on 18 October and the further 30% payment, which issued on 1 December, were on the basis of those parcels cleared for payment at that stage, as a number of other land parcels listed on the application of the person named required re-digitisation. This process was completed in early December, following which the final balancing payment issued to the person named on 14 December 2010.

383. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food when single farm payment will issue to a person (details supplied); and if he will make a statement on the matter. [2046/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 27 April 2010. Payments under the 2010 Single Payment Scheme and Disadvantaged Areas Scheme have commenced nationally on 18 October 2010 and 22 September 2010 respectively. The person named submitted an application with 23 land parcels, 15 of which require re-digitisation. Payments under the Single Payment Scheme were made, in respect of already digitised eligible land parcels, on 18 October 2010 and 1 December 2010. Payment under the Disadvantaged Areas Scheme was made in respect of eligible land parcels on 22 September 2010.

My Department is currently completing the re-digitisation of the remaining 15 land parcels. Immediately this process is complete, provided no further errors are identified, the application will be processed in full with a view to payments due under both Schemes issuing shortly thereafter.

384. **Deputy Michael Lowry** asked the Minister for Agriculture, Fisheries and Food the reason for refusal to pay the suckler welfare scheme to a person (details supplied) in County Limerick; the way in which this person can re-apply for the scheme. [2050/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Under the Terms and Conditions of the Suckler Welfare Scheme, applicants undertake to implement, for the full term of the Scheme, specific measures on all eligible suckler cows and the calves they are suckling. Applicants are also required to record all details of each measure on the Department's database through the Animals Event System. The person named did not submit any information relating to the measures, as he is required to do, in respect of 2008, and is, therefore, not eligible for payment under the Suckler Welfare Scheme for this year and subsequent years.

385. **Deputy Billy Timmins** asked the Minister for Agriculture, Fisheries and Food the position regarding single farm payment and subsidy in respect of a person (details supplied) in County Carlow; and if he will make a statement on the matter. [2052/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** While an application requesting a transfer of ten Single Payment entitlements from the person named to another farmer by way of sale was received by my Department on 17 May 2010 and was subsequently fully processed and the entitlements transferred to the third party, my Department has no record of having received an application under the 2010 Single Payment Scheme application form from the person named. I have now arranged for an official of my Department to make direct contact with the person named regarding this matter.

386. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Galway has not received payment for 6.8 hectares of land leased to Coillte; and if he will make a statement on the matter. [2055/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I understand that payment of the relevant afforestation grant is held pending receipt by my Department of provenance certificates from the applicant's forestry company. The company in question have been informed of the reason for the delay in making the payment.

387. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Galway has been deemed ineligible for the 70% farm waste management scheme; and if he will make a statement on the matter. [2057/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person concerned is an applicant under the Farm Waste Management Scheme and has been found not to meet the requirements of a young trained farmer as laid down in the Scheme. The decision concerned is, however, subject to review within my Department and my Department will notify him of the outcome as soon as the review has been completed.

388. **Deputy David Stanton** asked the Minister for Agriculture, Fisheries and Food when a payment will issue to a person (details supplied) in County Cork; and if he will make a statement on the matter. [2096/11]

**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. It was necessary to transfer entitlements to the person named (from the late spouse of the person named) in order that payment could issue. This process is now complete and payments due to the person named will issue shortly.

389. **Deputy Phil Hogan** asked the Minister for Agriculture, Fisheries and Food when a single farm payment will issue to an person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [2097/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2010 Single Payment Scheme was received from the person named on 13 April 2010. Following processing, as no errors were identified full payment issued; the 50% advance issuing on 18 October and the balance issuing on 1 December 2011.

390. **Deputy Phil Hogan** asked the Minister for Agriculture, Fisheries and Food when single farm payment will be awarded to a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [2098/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2010 Single Payment Scheme was received from the person named on 13 May 2010. During the validation of the application, an overlap was identified in respect of one land parcel. The

matter was resolved following correspondence with the person named and full payment issued on 8 December 2010.

391. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Monaghan can expect to receive their REPS 4 payment; and if he will make a statement on the matter. [2116/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Payment to the person named will issue within 10 days.

### **Pigmeat Sector**

392. **Deputy Joe McHugh** asked the Minister for Agriculture, Fisheries and Food his commitment to the pigmeat industry here; if he will acknowledge the 165 kg and 170 kg costs of production; the current 135 to 136 cent per kg price that obtains today; to acknowledge that farmers receive just 17% of the shelf price; his plans to save the industry; and if he will make a statement on the matter. [2133/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The pig industry is a valuable component of the overall agri-food sector, and has a farm gate value in excess of €300 million. The sector supports approximately 7,000 jobs including production, slaughter, processing, feed manufacture and services and these are dispersed around the country. Production, prices and exports grew significantly during 2010 and the impact of this growth was felt at all levels of the production cycle.

Having said that, I am aware of the difficulties currently being experienced by the sector. While returns have improved in recent months and are forecast to improve in the medium term, the biggest issue for producers at the moment remains feed costs, most notably cereals and compound feed. Pig producers are especially affected by the increase in cereal prices since June 2009, given that cereals account for 75% of feed. This is reducing margins to below the long-term average, a situation which may have an impact on production decisions in both the short and medium term. Difficulties in maintaining credit facilities with suppliers and banks are exacerbating this situation.

Following a difficult year in 2009 prices began to recover early last year. This continued in the second quarter of the year to the extent that year on year prices exceeded 2009 levels in early July 2010. This recovery continued and, while the usual seasonal decline following the end of the barbecue season was again experienced, it was not to the same extent as in previous years. As a result, annual prices remained above 2009 levels and are still over 8% ahead with the price stabilizing in recent weeks. Currently the Irish producer price is approximately €130.00/100kgs. In general, Irish price movements over recent years have mirrored those of the EU as a whole.

The Teagasc Pig Advisory Service estimate that the cost of production averages between 155c/kg and 165c/kg. This includes non-feed and herd specific costs and varies between producers. Pigmeat prices are expected to improve significantly as 2011 progresses, while cereal output is expected to increase by mid-year. Both of these developments should improve the position for pig producers. Teagasc Advisory Services are working with producers, feed suppliers and banks to advance a number of initiatives to help pig farmers through this difficult period.

I met with the Irish Banking Federation last week and impressed upon them the necessity of improving and maintaining the credit flow to pig farmers. The IBF were positive about the efficiency and performance of the majority and indicated that viable pig producers would continue to be supported.

[Deputy Brendan Smith.]

I am aware of reports which have highlighted the farmer's share of the price paid by the consumer. As you are aware pig prices are a function of the supply and demand dynamics in the market place. The 'Food Harvest 2020 Report', which was published in July 2010, sets out the vision for the future of the food industry including the pig sector. Ambitious targets have been set in relation to sow productivity, the size of the national herd, together with a 50% growth in the value of output by 2020, and I have appointed a High Level Implementation Group to ensure that the recommendations in the report are implemented.

### Grant Payments

393. **Deputy Willie Penrose** asked the Minister for Agriculture, Fisheries and Food the steps he will take to have the single farm payment and REP scheme payment immediately issued to a person (details supplied) in County Westmeath; and if he will make a statement on the matter. [2161/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2010 Single Payment Scheme was received from the person named on 20 April 2010. The advance payment which issued on 18 October and the interim balancing payment which issued on 1 December were on the basis of those parcels cleared for payment at that stage, as a number of the land parcels listed on the application of the person named required re-digitisation. This process is now complete, and the final payment due will issue shortly. Payment due under REPS will issue in the coming ten days.

394. **Deputy Denis Naughten** asked the Minister for Agriculture, Fisheries and Food when a decision will issue on an application in respect of a person (details supplied) in County Roscommon; the reason for the delay in same; and if he will make a statement on the matter. [2181/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named has been approved for participation in the Agri-environment Options Scheme (AEOS). However, the land parcels declared by all AEOS applicants, including the above named, must now be cross checked against land parcels declared in their 2010 Single Payment Scheme applications before the actual amount of any individual payment can be established. When this process is completed the person named will be informed of his payment entitlement under the scheme.

395. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their 2009 payment under REPS 4; and if he will make a statement on the matter. [2182/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Payment will issue to the person named within 10 working days.

396. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Clare has not yet received payment; and if he will make a statement on the matter. [2201/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named registered twenty three animals under the 2009 Suckler Welfare Scheme. Payment has issued in respect of eight animals and a further two animals have been cleared for payment, which will issue shortly. The remaining thirteen animals have been deemed ineligible –twelve of the calves were sold before the required measures were completed, and the remaining animal was

not eligible for payment as it was a twin. Payment under the Suckler Welfare Scheme is made on the dam and, therefore, in the case of twins, the dam is only entitled to benefit from one payment. The person named registered fifteen animals under the 2010 Suckler Welfare Scheme, one animal is deemed ineligible as the calf was sold before weaning was completed. The remaining fourteen animals have been processed for payment, which will issue shortly.

### Departmental Staff

397. **Deputy Michael Noonan** asked the Minister for Agriculture, Fisheries and Food the reason for the delay in replacing clerical staff on sick leave from regional veterinary laboratories; if his attention has been drawn to the burden and stress this places on staff who continue at work; and if he will make a statement on the matter. [2227/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The custom and practice in relation to Civil Servants on sick leave is that they are not replaced for the period of sick leave in question. The policy for dealing with work related stress is that the officers who report such stress to either local management or Personnel Division and who continue to work are made aware of the services of their Employee Assistance Officer. Officers on sick leave who cite work related stress as the cause of absence are referred to the Chief Medical Officer.

### Grant Payments

398. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Kerry has not received their REP scheme, disadvantaged area and single farm payments; and if he will make a statement on the matter. [2233/11]

**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 14 May 2010. This application was selected for a Ground Eligibility and Full Cross Compliance inspection. The inspection process is complete and the results have now been processed.

During the course of the Ground Eligibility inspection discrepancies were found with the following parcels H19308039, H20918005, H20918010 and H20918022 due to inadequate deductions for scrub and farm road. The claimed area for the Single Payment Scheme of 18.91ha was reduced to 12.86ha. As there is an over declaration of over 20% no payment will be made under the Single Payment Scheme/Disadvantaged Areas Scheme for the year 2010. The person named was informed of these findings on the 14th October 2010 and of his right to seek a review of this decision within 21 days and of his right to appeal the outcome of any such review to the Independent Agriculture Appeals Office.

A field inspection on the REPS application was also carried out on this farm. The result of the inspection is being processed and my officials will be in contact with the person named when the process has been completed.

399. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the level of payment due under the agri-environment options scheme in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [2375/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The person named has been approved for participation in the Agri-environment Options Scheme (AEOS). However, the land parcels declared by all AEOS applicants, including the above named, must now be cross checked against land parcels declared in their 2010 Single Payment Scheme applications before the actual amount of any individual payment can be established. When this

[Deputy Brendan Smith.]

process is completed the person named will be informed of his payment entitlement under the scheme.

400. **Deputy Paul Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason single farm payment has not been granted in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [2377/11]

**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 27 April 2010. This application was selected for and was the subject of a Ground Eligibility and Full Cross Compliance Inspection. The inspection process is complete and the application has now been fully processed. Payment under the Disadvantaged Areas Scheme and the Single Payment Scheme will issue within one week.

### Afforestation Programme

401. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive financial approval for the planting of forestry. [2401/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** I understand that an application for financial approval for afforestation grant aid has not yet been received on behalf of the person in question.

### Grant Payments

402. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food when payment of REP scheme will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [2413/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An issue has arisen in relation to the area claimed by the person named under in his REPS application. The file is currently under examination and my officials will be in contact with the person named when this examination is complete.

403. **Deputy John Deasy** asked the Minister for Agriculture, Fisheries and Food the reason for the continued delay in payment of the single payment scheme in respect of a person (details supplied) in County Waterford; if his attention has been drawn to the financial hardship that such a delay is causing; if he will ensure that payment issues immediately [2440/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under 2010 Single Payment Scheme was received from the person named on 12 May 2010. The 50% advance payment, which issued on 18 October 2010, was on the basis of the land cleared at that stage, as a number of parcels declared required digitising.

Balancing payments under the scheme, which commenced 1 December, would, in normal circumstances, be confined to those whose applications are fully processed, specifically, where all digitising is finalised. However, following recent consultation with the EU Commission, agreement was reached whereby, in addition to issuing balancing payments to those farmers whose applications are fully processed and whose maps are fully digitised, payments will also issue to those farmers where some or all of their maps are still to be digitised, with the payment being calculated on the basis of the digitised land confirmed otherwise eligible.

I am pleased to say that, because of this change, many farmers, including the person named, whose balancing payments would otherwise have been delayed until their digitising is complete,

received an interim balancing payment on 1 December. These farmers, including the person named, will receive the final instalment of their balancing payment when their maps are re-digitised and their applications are fully clear. It is expected that the digitising process will be completed within the coming days, as a result of which the outstanding payment will issue shortly thereafter.

404. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when single farm payment and disadvantaged area payment will issue in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [2443/11]

**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 11 March 2010. The advance payments under the Disadvantaged Areas Scheme issued on 5 October and the Single Payment Scheme, which issued on 18 October, and the further payment under the latter Scheme which issued on 1 December, were each on the basis of those parcels cleared for payment at that stage. Following the completion of the re-digitisation of a number of parcels listed on the application of the person named, over-claims were identified in respect of two land parcels. This matter has recently been resolved and consequently the balancing payments under both Schemes will issue shortly.

#### **Aquaculture Licences**

405. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food, further to Parliamentary Question No. 334 of 11 May 2010, the time frame for the application; and if he will make a statement on the matter. [2454/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** As indicated in my previous replies the area for which the licences are sought is a designated Special Area of Conservation under the EU Habitats Directive and a Special Protection Area under the EU Birds Directive (Natura 2000 site).

In the case of aquaculture sites located within Natura 2000 areas my Department, in conjunction with the Marine Institute and the National Parks and Wildlife Service of the Department of the Environment, Heritage and Local Government is engaged in a comprehensive programme to gather the necessary baseline data appropriate to the conservation objectives of these areas. This process is ongoing and significant progress has been made. The comprehensive data collection programme together with the setting of appropriate conservation objectives will enable all new and renewal applications to be appropriately assessed for the purpose of ensuring compliance with the EU Birds and Habitats Directives. Once the relevant data has been collected, conservation objectives for the site have to be established by the National Parks and Wildlife Service. The establishment of these conservation objectives by NPWS will allow individual licence applications to be assessed against the conservation objectives.

The area in question remains part of the package of prioritised areas under assessment. This package is reviewed on a regular basis with a view to expediting the appropriate assessment process. My Department, working with the National Parks and Wildlife Service, continues to make every effort to expedite the determination of these cases having regard to the complexities of these cases and the need to comply fully with all national and EU legislation.

#### **Grant Payments**

406. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the reason for non-payment to successful applicants of grants under the grassland sheep scheme submitted before May 2010 and now overdue since 1 December 2010; the way he has chosen to inform applicants of delays in grant aid payments; the reason for the delay and the alternative



[Deputy Andrew Doyle.]

date of payment and the action he will take to prevent delays in payments due to farmers.  
[2478/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Last year, I launched the three-year, €54 million Grassland Sheep Scheme, availing of the unused Single Payment funds. During the CAP Health Check negotiations, I had as one of my high priorities getting access to these CAP funds and, immediately it became clear this had been achieved, I identified the sheep sector as one that was vulnerable and in need of specific supports. I am confident that this Scheme, which focuses on those flocks with breeding ewes, will maintain the breeding flock and will act as a real incentive to farmers anxious to maintain their production levels, which are essential for the future of a viable sheep industry in this country.

The supply of lambs is a key and fundamental element underpinning the sheep and lamb processing industry. This is a hugely valuable export-orientated part of the Irish agri-food sector, supplying a high-value product to consumer markets throughout Europe. The industry is worth around €250 million to the Irish economy and over two thirds of the product is exported.

Irish sheep farmers are facing significant production and demand pressures at present, though Ireland is not alone in this regard. To maintain a viable industry, we must arrest the decline in reducing flock numbers, income pressures and producers leaving the sector. I believe that this Grassland Sheep Scheme will achieve these aims and will provide a much needed and very valuable income support to an important and vulnerable sector. This is a new stream of income which, I am satisfied, will be of immense benefit to this very important and valuable sector.

While it had been my intention that payments under the Scheme would commence in December, as the EU Commission raised some technical questions regarding payments to sheep farmers under EU Pillar I and Pillar II Schemes, including the Grassland Sheep Scheme, it has not yet been possible to do so. My officials have responded in detail to the Commission and there are ongoing discussions between both parties. I am pressing for an early conclusion to these discussions, with the intention of payments under the Scheme issuing as soon as possible thereafter.

407. **Deputy Phil Hogan** asked the Minister for Agriculture, Fisheries and Food when single farm payment for 2010 will issue in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [2480/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** An application under the 2010 Single Payment Scheme was received from the person named on 13 April 2010. Following processing, as no errors were identified, full payment has issued; the 50% advance issuing on 18 October and the balance issuing on 1 December.

### Departmental Reports

408. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the action that has been taken to implement the recommendations of the expert group on skills needs in the agri-food sector. [2481/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** In its 2009 report on the Future Skills Requirements of the Food and Beverage Sector, the Expert Group on Future Skills Needs highlighted the need to up-skill the Irish workforce to ensure the continuing economic growth and prosperity of the country. Funding has been provided by my Department in 2010 and 2011 for Lean Manufacturing and Leadership programmes developed by Enterprise Ireland and for the Marketing Fellowship and Alumnus Programmes developed by Bord Bia in conjunction with the Smurfit UCD Business School. Bord Bia has also initiated a programme with UCD to address a gap in market knowledge in target retail markets. Interventions to

improve commercial acumen in the food sector are also being rolled out by Bord Bia and Teagasc.

The Food Harvest 2020 Report recommended prioritising implementation of the relevant findings in the report on Future Skills Requirements of the Food and Beverage Sector as they are important issues for the growth and competitiveness of the food industry. This will be tabled at an early meeting of the Food Harvest 2020 High Level Implementation Committee. The Committee will examine how best the Report's recommendations might be addressed through collaboration between agencies and with industry to ensure that we get the best return for the agri-food sector in terms of growth and employment potential.

### Fishing Industry Development

409. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the total budgetary allocation for fisheries and marine affairs for 2005-2009; the percentage that came from European Union funds and from which funds. [2482/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department assumed responsibility for Fisheries and the associated agencies in 2007. Details of allocated funding for 2007, 2008 and 2009 for areas under my responsibility are contained in the table below along with receipts from the relevant EU funding mechanisms for the years in question.

	2009	2008	2007
	€000s		
J. Fisheries*	25,442	32,003	
M. Marine Institute grant-in-aid	27,546	32,339	9,498
N. BIM grant-in-aid	37,870	49,045	21,075
O. Sea Fisheries Protection Authority	12,026	14,410	5,100
P. Aquaculture Licence Appeals Board	460	475	216
COAST PROTECTION AND MANAGEMENT			2,572
FORESHORE DEVELOPMENT			1,248
FISHERIES CONSERVATION AND MANAGEMENT INCLUDING SHELLFISH MONITORING PROGRAMME			936
FISH PROCESSING			1,757
AQUACULTURE DEVELOPMENT			3,451
DEVELOPING AND UPGRADING HARBOURSFOR FISHERY PURPOSES			16,026
<b>TOTAL ALLOCATIONS</b>	<b>103,344</b>	<b>128,272</b>	<b>62,509</b>
OTHER GUARANTEE RECEIPTS FROM EU (EAGGF FISHERIES) 2	617		
EU FIG RECEIPTS (AQUACULTURE AND DEVELOPMENT)	2,526	3,871	—
EU RECOUPMENT IN RESPECT OF EXPENDITURE ON THE CONSERVATION AND MANAGEMENT OF FISHERIES		522	—
EU FIG RECEIPT — FISHERIES DEVELOPMENT		7,639	—
<b>TOTAL EU RECEIPTS</b>	<b>3,143</b>	<b>12,032</b>	

\*From 2008 onwards the following expenditure items have been included under Subhead J

- Foreshore Development;
- Environmental Compliance;
- Grants to Producer Organisations;
- Financing of EAGGF Fisheries Schemes;
- Fishing Boat Licensing Appeals Fees;
- Fish Processing;
- Aquaculture Development;
- Fisheries Harbours.

### Afforestation Programme

410. **Deputy Andrew Doyle** asked the Minister for Agriculture, Fisheries and Food the amount that has been spent to support forestry in Ireland from 2005 to 2009 and the amount of this budget that was received from the EU and from which fund. [2483/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The information requested is as follows.

	2005	2006	2007	2008	2009
	€000	€000	€000	€000	€000
Expenditure	110,825	110,304	124,767	124,381	117,897
EU Funding Received					
— EAGGF (Guarantee)	59,131	36,469	0	0	0
— EAGGF (Guidance)	0	4,381	2,400	0	0
— Forest Focus	0	0	0	245	428

### Grant Payments

411. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be approved and paid the disadvantaged area scheme. [2496/11]

**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 Full Cross Compliance 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.

412. **Deputy Michael Ring** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will be approved and paid the single farm payment. [2497/11]

**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 Full Cross Compliance 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.

413. **Deputy Jimmy Deenihan** asked the Minister for Agriculture, Fisheries and Food when REPS 4 payment will issue in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [2505/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** The file is currently under examination following a field inspection and my officials will be in contact with the person named when this examination is complete.

#### Ministerial Staff

414. **Deputy Lucinda Creighton** asked the Minister for Agriculture, Fisheries and Food the name of each non-Civil Service adviser employed by him in the years 2009, 2010 and to date in 2011; each adviser's salary, expenses claims and job title in each year; and if he will make a statement on the matter. [2655/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** In response to the Deputy's question, one non-civil service advisor has been employed by me in the years 2009, 2010 and to date in 2011. I have provided the salary, expenses claimed and job title for each year in the table below:

Year	Name	Title	Salary	Expenses claimed
			€	€
2009	Philip Hannon	Media Advisor	121,521.68	230.96
2010	Philip Hannon	Media Advisor	111,743.20	1,243.73
2011	Philip Hannon	Media Advisor	8,578.62	0.00

#### Official Travel

415. **Deputy Lucinda Creighton** asked the Minister for Agriculture, Fisheries and Food if he will provide details of any foreign trips made by him in the year 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the exact mode of ground transportation used; the name of each hotel and the nature of the entertainment for which the expenses were incurred; and if he will make a statement on the matter. [2670/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Aggregate processed details in respect of Ministerial travel for 2010 as well as for that thus far in 2011 are set out in the table below. Ministerial travel costs incurred predominantly relate to 9 EU Council of Agriculture Ministers meetings which were attended in the period under consideration. Other travel expenditure for the period included that related to travel in respect of trade promotion, bilateral meetings with EU counterparts and meetings of other organisations where Ministerial attendance was required or appropriate (e.g. OECD Ministerial meetings). The use of the Government jet was required on 6 occasions during 2010. Details in respect of individual journeys and meetings can be furnished at the Deputy's request.

[Deputy Brendan Smith.]

Year	No of Official Foreign Travel Engagements Attended	Total Airfares	Total Hotel Costs	Other Costs*	Total
		€	€	€	€
2010	15	7,923	2,613	2,984	13,519
2011	1	171	—	—	171

\*Other Costs include subsistence expenses, other transport costs and other miscellaneous expenses such as translators.

416. **Deputy Lucinda Creighton** asked the Minister for Agriculture, Fisheries and Food if he will provide details of any foreign trips made by officials in his Department in the years 2009, 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of the entertainment for which expenses were incurred; and if he will make a statement on the matter. [2685/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** It is not possible to provide the Deputy with the level of detail requested on foreign travel undertaken by my officials and the related expenses in the time frame available. The following are summary details of expenditure on trips outside Ireland the years 2009, 2010 and 2011 to date.

Year	Number of Trips claimed and paid	Air Travel No. of flights booked and cost	Hotels Expenses paid	Other Travel And Subsistence Expenses paid	Official Hospitality
2009	1,207*	1,408* €485,092.96	€239,710	€420,167.91	€107
2010	1,036*	1,145* €375,506.93	€197,822	€356,782.23	Nil
2011	Nil*	22 €4,217.78	Nil	Nil	Nil

\*The number of trips and amounts paid are based on actual expenditure, i.e. the number of claims submitted by officials and the date of payment. The figures differ from the numbers of flights booked due to the delay between the date of the flight bookings and the submission/payment of claims. For example, flights have been booked in 2011 and trips undertaken but the related expenses claims have not yet been submitted or paid.

A significant proportion of foreign trips undertaken are in relation to Irish representation at EU meetings. The cost of air travel is recoupable from the EU in these cases. A total of €491,364.64 was recouped from the EU since the beginning of 2009.

My Department operates a restrictive approach to foreign travel. Attendance at meetings abroad is determined in each case following careful consideration of the need to travel in order to represent national interests and of the appropriate level of representation.

417. **Deputy Lucinda Creighton** asked the Minister for Agriculture, Fisheries and Food if he will provide details of hotel accommodation used by him within the State while on ministerial duties in the years 2009, 2010 and to date in 2011; the name of each hotel in which he stayed;

the costs associated with each stay and the purpose of each trip; and if he will make a statement on the matter. [2715/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Details in respect of Ministerial hotel accommodation in Ireland necessitated during 2009 and 2010 are set out in the table below. No domestic hotel accommodation has been necessitated thus far in 2011.

Date	Details	Hotel Cost
		€
28/01/2010	Official Opening of ITBA 2010 Expo, Goffs, Co Kildare*	90
12/02/2010	Visit Department Offices in Clonakilty	59
22/07/2010	Visit SouthWestern, Clonakilty/Launch Fisheries Operational Programme and BIM Strategy	55

\*This public engagement was subsequent to attendance at a function in Limerick the previous evening (farm organisation AGM) and preceded attendance at another official function in Kilkenny (opening of porcine genetics company) on the same day.

418. **Deputy Lucinda Creighton** asked the Minister for Agriculture, Fisheries and Food if he will provide details of any foreign trips made by officials in public bodies under the remit of his Department in the years 2009, 2010 and to date in 2011, the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of entertainment for which expenses were incurred; and if he will make a statement on the matter. [2730/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** Details of the foreign trips made by officials in the public bodies under the remit of my Department for the years in question would be an operational matter for the State Bodies/Agencies concerned. All such bodies are required to comply with Department of Finance guidelines and the Chairman of each body is required to provide assurance that such guidelines are respected.

### Charities Regulation

419. **Deputy Finian McGrath** asked the Minister for Agriculture, Fisheries and Food if he will examine and support a matter (details supplied). [3016/11]

**Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith):** My Department made ex gratia payments of nearly €1 million in 2010 to animal welfare organisations which are registered charities.

### EU Directives

420. **Deputy Terence Flanagan** asked the Minister for Enterprise, Trade and Innovation the way the EC workplace directive is applied and the way the law is enforced; and if he will make a statement on the matter. [2083/11]

421. **Deputy Terence Flanagan** asked the Minister for Enterprise, Trade and Innovation the number of prosecutions that have been brought by the responsible enforcers on failure to comply with the EC workplace directive; and if he will make a statement on the matter. [2084/11]

**Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary):** I propose to take Questions Nos. 420 and 421 together.

It is understood, following clarification with the Deputy's office, that the Questions relate to Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work and to Council Directive 89/654/EEC of 30 November 1989 concerning the minimum safety and health requirements for the workplace (first individual directive within the meaning of Article 16 (1) of Directive 89/391/EEC). It is also understood that the Deputy seeks information on the number of prosecutions that have been brought for the past five years.

Both Directives were originally transposed into Irish law by way of Statutory Instrument No. 44 of 1993 — Safety, Health and Welfare At Work (General Application) Regulations, 1993, made under the Safety, Health and Welfare at Work Act 1989, and came into operation on the 22nd day of February, 1993. These Regulations extended the requirements of the Safety, Health and Welfare at Work Act, 1989 and implemented Council Directive 89/391/EEC. They also implemented 5 related Directives which set down minimum requirements for health and safety in specific aspects of working activities, including Council Directive 89/654/EEC.

The Safety, Health and Welfare at Work Act 1989 has since been updated and replaced by the Safety, Health and Welfare at Work Act 2005 (No. 10 of 2005) and the 1993 Regulations have been updated by the 2007 General Applications Regulations of the same name (S.I. No. 299 of 2007).

The Health and Safety Authority, which operates under the aegis of the Department of Enterprise, Trade and Innovation, is responsible for the administration and enforcement of the Safety, Health and Welfare at Work Act 2005 and associated statutory provisions. It does this through a combination of information, advice, inspections, administrative enforcement actions and, in a small number of cases, prosecution.

The number of prosecutions brought by the Authority over the 5 years to 31 December 2010 under Irish health and safety legislation is set out in the table below. The table does not differentiate between prosecutions related to breaches of Irish health and safety law related to EU workplace legislation and prosecutions related to other provisions of Irish health and safety law which do not emanate from EU Directives as this information is not readily available. In recent years, the Authority has shifted its emphasis to prosecutions on indictment related to more serious and high-profile cases.

Further information on each prosecution is detailed in the Authority's Annual Reports for those years and is also available on the Health and Safety Authority website — [www.hsa.ie](http://www.hsa.ie). Information for 2010 is not yet available.

Year	Number of Prosecutions
2005	40
2006	35
2007	31
2008	27
2009	38
2010	27

### Business Regulation

422. **Deputy Richard Bruton** asked the Minister for Enterprise, Trade and Innovation if he

has the power to require retail outlet operators here and in other countries to reveal the profit margins they make from their Irish operations; and if he will make a statement on the matter. [2114/11]

**Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Billy Kelleher):** The contents of the financial statements of companies are governed by relevant EU Company Law Directives and Regulations and by the applicable accounting standards. In relation to the Deputy's question I have no such power.

### Industrial Development

423. **Deputy Arthur Morgan** asked the Minister for Enterprise, Trade and Innovation the number of companies that are supported by the Industrial Development Authority on a county basis; the jobs supported in each county by the IDA supported companies; the jobs created and lost by IDA supported firms on a county basis; and if he will make a statement on the matter. [2458/11]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe):** During 2010, IDA supported 985 companies. I have been informed by IDA that total employment in IDA Ireland supported companies increased to 138,968 in 2010. IDA Ireland client companies created a total of 10,897 new jobs in 2010, while IDA Ireland supported companies lost 9,545 jobs leaving an overall increase in IDA's total employment portfolio of 1,352. In the time available, it is not possible to provide a breakdown of this information on a county by county basis but I will forward it to the Deputy as soon as it is available.

### Ministerial Staff

424. **Deputy Lucinda Creighton** asked the Minister for Enterprise, Trade and Innovation the name of each non-Civil Service adviser employed by him in the years 2009, 2010 and to date in 2011; each adviser's salary, expenses claims and job title in each year; and if he will make a statement on the matter. [2660/11]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O'Keeffe):** The following table provides the names, job titles, salary scale and expenses of each non-civil service advisor employed by this Department in the years 2009, 2010 and to date in 2011. Travel and subsistence expenses shown on the table include expenses incurred on official business at home and abroad, with the exclusion of air fares. No expense claims have been received for 2011 to date.

Office	Name and Job Title	Salary Scale	Expenses Jan- Dec. 2009	Expenses Jan.-Dec 2010
		€	€	€
Tánaiste (Mary Coughlan TD)	Mr. Sean Perry Special Advisor	66,179 – 77,520	8,445.80	7,606.73
Tánaiste (Mary Coughlan TD)	Mr. Michael Shovlin Special Advisor	86,168 – 100,191	5,238.89	1,506.01
Cabinet Reshuffle – 23rd March 2010				
Minister (Batt O'Keeffe TD)	Mr. Bernard Mallee Special Advisor	80,051 – 92,672		1,799.40

### Official Travel

425. **Deputy Lucinda Creighton** asked the Minister for Enterprise, Trade and Innovation if



[Deputy Lucinda Creighton.]

he will provide details of any foreign trips made by him in the year 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the exact mode of ground transportation used; the name of each hotel and the nature of the entertainment for which the expenses were incurred; and if he will make a statement on the matter. [2675/11]

426. **Deputy Lucinda Creighton** asked the Minister for Enterprise, Trade and Innovation if he will provide details of any foreign trips made by officials in his Department in the years 2009, 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of the entertainment for which expenses were incurred; and if he will make a statement on the matter. [2690/11]

428. **Deputy Lucinda Creighton** asked the Minister for Enterprise, Trade and Innovation if he will provide details of any foreign trips made by officials in public bodies under the remit of his Department in the years 2009, 2010 and to date in 2011, the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of entertainment for which expenses were incurred; and if he will make a statement on the matter. [2735/11]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** I propose to take Questions Nos. 425, 426 and 428 together.

In the time available, it has not been possible for my officials to compile all of the information requested by the Deputy in respect of foreign ministerial travel and foreign travel by officials of my Department and its Offices. However, I will forward the details to the Deputy in writing as soon as possible. With regard to the agencies under the remit of my Department, the details of the expenditure incurred in respect of foreign travel is a matter for each agency.

427. **Deputy Lucinda Creighton** asked the Minister for Enterprise, Trade and Innovation if he will provide details of hotel accommodation used by him within the State while on ministerial duties in the years 2009, 2010 and to date in 2011; the name of each hotel in which he stayed; the costs associated with each stay and the purpose of each trip; and if he will make a statement on the matter. [2720/11]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** The information requested by the Deputy is set out below.

	Minister	Date	Hotel	Purpose	Cost
					€
2009	Tánaiste (Mary Coughlan TD)	28/7/09	Radisson Blu Hotel, Limerick	Publication of Mid-West Task Force Report	100
	Tánaiste (Mary Coughlan TD)	29/10/09	Clayton Hotel, Galway	IDA announcement	79
	Tánaiste (Mary Coughlan TD)	05/11/09	Strand Hotel, Limerick	Shannon Development announcement	70
2010	Minister (Batt O’Keeffe TD)	01/5/10	Ardilaun Hotel, Galway	Meeting with Quinn Insurance Administrators	115
2011	No hotel accommodation used to date				

*Question No. 428 answered with Question No. 425.*

### **Charities Regulation**

429. **Deputy Finian McGrath** asked the Minister for Enterprise, Trade and Innovation if he will examine and support a matter (details supplied). [3021/11]

**Minister for Enterprise, Trade and Innovation (Deputy Batt O’Keeffe):** My Department’s primary role is in implementing the Government’s policies of stimulating the productive capacity of the economy and creating an environment which supports job-creation. We also have a remit to ensure fair competition in the marketplace, to promote consumer protection and to support a balanced employment rights regime. Our activity is, therefore, primarily focused on:

- attracting foreign direct investment,
- facilitating the start-up and growth of indigenous enterprises,
- increasing exports,
- improving competitiveness,
- encouraging innovation and growth through investment in research and development,
- promoting fair competition for businesses and consumers,
- upholding company law,
- safeguarding the right of workers, including their entitlement to >occupational safety and health, and
- facilitating a positive industrial relations environment.

In this context, funding provided by my Department is primarily directed at encouraging the delivery of sustainable growth to promote employment generation and wealth creation. Accordingly, any funding provided to charitable organisations by my Department would only be in the context of a charitable organization being involved in support of the work I have listed above. My Department would not ordinarily be a direct source of funding for charitable organizations per se. If the Deputy wishes to establish whether my Department has provided funding to a particular charity, if he indicates the charity in question, I will have the matter examined and revert to him.

### **Services for People with Disabilities**

430. **Deputy Denis Naughten** asked the Minister for Community, Equality and Gaeltacht Affairs his plans to give increased recognition and support to Irish sign language services; his plans to introduce a formal accreditation and registration system; the estimated cost of same; and if he will make a statement on the matter. [2073/11]

**Minister of State at the Department of Community, Equality and Gaeltacht Affairs (Deputy John Moloney):** The position is that the Government has no proposals to give increased recognition to Irish Sign Language as a third official language, nor are there plans to introduce a formal accreditation and registration system. However, in line with the aim of mainstreaming, policy in the area of language for people with disabilities is reflected in the responsibilities of

[Deputy John Moloney.]

several Ministers and, indeed, existing legislation gives a level of recognition and practical measures equal to, or above, that in countries which have formally recognised sign language.

This is reflected in the Education Act 1998 (learning through Irish Sign Language), the Education for Persons with Special Educational Needs Act 2004 (language assessment) and the Disability Act 2005 (S.I. No. 163 of 2006 — Code of Practice on Accessibility of Public Services and Information provided by Public Bodies, under which, to instance only one of many public bodies, the Courts Service provides sign language interpretation when required). In addition, support is provided through the Citizens Information Board for the Sign Language Interpreting Service (SLIS).

### Employment Rights

431. **Deputy Finian McGrath** asked the Minister for Community, Equality and Gaeltacht Affairs, in view of the Equality Tribunal's refusal to process cases in respect of dissolved companies, if his attention has been drawn to the legal implications for the State if an employee initiates a Francovich-style legal action against him on the basis that they have been deprived of protection against discrimination in that they cannot proceed with an action before the tribunal. [2447/11]

**Minister of State at the Department of Community, Equality and Gaeltacht Affairs (Deputy Mary Alexandra White):** The Director of the Equality Tribunal has received legal advice to the effect that the Tribunal cannot consider claims where a company has been dissolved. The advice of the Attorney General on the matter has been sought.

### Ministerial Staff

432. **Deputy Lucinda Creighton** asked the Minister for Community, Equality and Gaeltacht Affairs the name of each non-Civil Service adviser employed by him in the years 2009, 2010 and to date in 2011; each adviser's salary, expenses claims and job title in each year; and if he will make a statement on the matter. [2657/11]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** As the Deputy will be aware, I was appointed Minister for Community, Equality and Gaeltacht Affairs on 23 March 2010. The details requested by the Deputy in respect of non-civil service advisers employed by my Department since that time are outlined in Table 1 below.

TABLE 1

Name	Job title	Salary covering period 23/03/10 to 31/12/10	Expenses claimed covering period 23/03/10 to 31/12/10	Salary to date in 2011	Expenses claimed to date in 2011
		€	€	€	€
John Regan	Special Adviser	57,201	540	6,137	Nil
Seán Tadhg Ó Gairbhí	Media Adviser	57,201	1,034	6,137	Nil

Details in respect of non-civil service advisers employed by my Department on behalf of my predecessor as Minister, Mr Éamon Ó Cuív, TD, in 2009 and for the period 1 January 2010 to 23 March 2010 are outlined in Table 2 below.

TABLE 2

Name	Job title	Salary in 2009	Expenses claimed in 2009	Salary covering period 01/01/10 to 23/03/10	Expenses claimed during period 01/01/10 to 23/03/10
		€	€	€	€
Pádraig Ó hUiginn	Special Adviser	98,865	2,335	24,744	Nil
Layla de Cogan Chin	Media Adviser	87,550	2,358	20,184	Nil

### Official Travel

433. **Deputy Lucinda Creighton** asked the Minister for Community, Equality and Gaeltacht Affairs if he will provide details of any foreign trips made by him in the year 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the exact mode of ground transportation used; the name of each hotel and the nature of the entertainment for which the expenses were incurred; and if he will make a statement on the matter. [2672/11]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** The details sought by the Deputy in respect of overseas travel carried out by my predecessor and I in our official capacity as Minister during 2010 are set out in the Table below. The air travel in each case was by commercial airline. I have undertaken no official overseas travel to date in 2011.

Destination	Purpose	Cost	Hotels
Warsaw and Vienna	Minister Ó Cuív State representative at St Patrick's Day events	€2,271 (comprising air travel €663; hotel accommodation €693; subsistence €882; transport by train €33)	Sheraton — Warsaw Sheraton — Poznan Konig von Ungarn — Vienna
New York	Minister Carey Accompanying the President to National Famine Commemoration events in New York	€5,079 (comprising air travel €2,930; hotel accommodation €607; subsistence €307; transport by people carrier €1,235)	The Fitzpatrick Manhattan Hotel New York

434. **Deputy Lucinda Creighton** asked the Minister for Community, Equality and Gaeltacht Affairs if he will provide details of any foreign trips made by officials in his Department in the years 2009, 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of the entertainment for which expenses were incurred; and if he will make a statement on the matter. [2687/11]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** I wish to advise the Deputy that it has not been possible in the time available to collate the information requested relating to foreign trips made by officials of my Department from 2009 to date. I am arranging to have the available information from my Department's records collated and forwarded to the Deputy as soon as possible.

435. **Deputy Lucinda Creighton** asked the Minister for Community, Equality and Gaeltacht Affairs if he will provide details of hotel accommodation used by him within the State while on ministerial duties in the year 2009, 2010 and to date in 2011; the name of each hotel in which he stayed; the costs associated with each stay and the purpose of each trip; and if he will make a statement on the matter. [2717/11]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** The details requested by the Deputy regarding hotel accommodation used by me since my appointment as Minister for Community, Equality and Gaeltacht Affairs on 23 March 2010 are outlined in Table 1 below. Relevant details in respect of my predecessor as Minister for the period 1 January 2009 to 23 March 2010 are outlined in Table 2 below.

TABLE 1

Name of Hotel	Cost	Purpose of Visit
	€	
The Strand Hotel, Limerick City	95	Official opening of Ard Fheis Chonradh na Gaeilge
Connemara Coast Hotel, Co Galway	80	Visit to Department's offices in Na Forbacha, Co Galway
McWilliam Park Hotel, Claremorris, Co Mayo	75	Visit to Claremorris Family Resource Centre and to Department's offices in Tubbercurry, Co. Sligo
Castlecourt Hotel, Westport, Co Mayo	79	Launch of report for Midland RDTF in Athlone, opening of Ionad Cúram in Carna and attendance at North-West Mayo Forum in Belmullet
Mulranney House Hotel, Westport, Co Mayo	105	National Famine Commemoration
Silver Springs Hotel, Tivoli, Co Cork	128	Visit to RAPID areas in Cork
Skellig Hotel, Dingle, Co Kerry	65	Visit to Coláiste Íde, Ionad an Bhlascaoid, Comharchumann Forbartha Chorca Dhuibhne and Tralee CDP
Connemara Coast Hotel, Co Galway	80	Attendance at board meeting of Údarás na Gaeltachta and other meetings in Na Forbacha
Connemara Coast Hotel, Co Galway	80	Visit to the 3 Aran Islands
Temple Gate Hotel, Ennis, Co Clare	74	Official opening of Comhdháil na Naíonraí Gaeltachta
Silver Springs Hotel, Tivoli, Co Cork	79	Visit to Mahon CDP, Bere Island, Oileán Cléire and Oireachtas na Gaeilge
The Brehon, Killarney, Co Kerry	115	

TABLE 2

Name of Hotel	Cost	Purpose of Visit
	€	
Óstán na Rosann, Dungloe, Co Donegal	127	Visit to Arranmore, Co Donegal
Óstán na Cúirte, Gaoth Dobhair, Co Donegal	127	NSMC Language and Waterways sectoral meetings
Clann Rí, Letterkenny, Co Donegal	127	Attendance at Oireachtas na Gaeilge

436. **Deputy Lucinda Creighton** asked the Minister for Community, Equality and Gaeltacht Affairs if he will provide details of any foreign trips made by officials in public bodies under

the remit of his Department in the years 2009, 2010 and to date in 2011, the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of entertainment for which expenses were incurred; and if he will make a statement on the matter. [2732/11]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** On the assumption that the Deputy is referring to the range of State bodies/agencies funded from my Department's Vote Group, I wish to advise that the time and resources that would be required to collate the substantial and wide-ranging amount of information requested by the Deputy would not, in my view, be an effective and efficient use of public resources. I am not, therefore, in a position to provide the information requested. If the Deputy, however, has a query in relation to a specific case or body, I would, of course, be pleased to provide the information requested.

In general terms, I should say that I am advised that the bodies funded from my Department's Vote Group comply with Government travel policy requirements and with Department of Finance circulars regarding travel and subsistence. In addition, a copy of the Code of Practice for the Governance of State Bodies, which was updated and published by the Department of Finance in May 2009 and which includes a framework for a travel policy for State bodies, has been provided to each of the bodies/agencies in question. With regard to the North/South Implementation Bodies funded from my Department's Vote Group, the position is that such bodies follow good practice in both jurisdictions in matters of corporate governance and in the development of their own internal codes of practice.

### **Charities Regulation**

437. **Deputy Finian McGrath** asked the Minister for Community, Equality and Gaeltacht Affairs if he will examine and support a matter (details supplied). [3018/11]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey):** The Deputy will appreciate the difficulties in responding to the matter raised by him within the constraints of a "details supplied" Question. I can, however, say that the sector referred to by him receives funding from a wide range of sources, including the Exchequer, private philanthropists, and the general public. At the moment, there is no central repository of information on the sector in Ireland and how it is funded.

I am, however, addressing this information gap in two ways:

- Firstly, my Department is providing considerable co-funding towards the development of an on-line, publicly accessible, database of relevant bodies in Ireland.
- Secondly, recent legislation provides for the introduction of a public register of charities, on which all bodies operating in the sector in Ireland will have to be entered. Such bodies will also have to provide an annual report and specified financial information, which will be available to the public. The Deputy should note that my Department is currently rolling out an implementation plan for the legislation in question.

Through these initiatives, I anticipate that there will be much greater transparency as to how the sector is funded, and also how such funding is expended.

### Defence Forces Remuneration

438. **Deputy Thomas Byrne** asked the Minister for Defence the position regarding the Border duty allowance, the subject of an adjudication dated August 2009. [2183/11]

**Minister for Defence (Deputy Tony Killeen):** A review of Border Duty allowance has been the subject of negotiations between the Department and the Representative Association (PDFORRA) under the Conciliation and Arbitration Scheme for members of the Permanent Defence forces. The matter was referred to Adjudication by PDFORRA. The report of the Adjudicator issued on 28 August 2009. The Adjudicator found that those in receipt of Border Duty allowance up to the date it was discontinued by the Department in February 2009 should retain it on a personal to holder basis. As required under the C&A Scheme the report of the Adjudicator has been laid before the Houses of the Oireachtas and a copy is available in the Dáil library. The Department has implemented the findings of the Adjudicator.

### Defence Forces Property

439. **Deputy Pat Breen** asked the Minister for Defence, further to Parliamentary Question No. 40 of 1 June 2010, if he will explain the inordinate delay in making available a copy of his Department's submission relating to the restricted zone around Baldonnell Aerodrome to the then Dublin County Council in 1955 together with copies of all subsequent submissions to the said council seeking alterations to the restricted zone in question; and if he will make a statement on the matter. [2211/11]

**Minister for Defence (Deputy Tony Killeen):** The information requested by the Deputy was forwarded to him on 11 August, 2010 and consisted of a letter from the Department to the Dublin Planning Officer dated 23 August, 1957. I have arranged for a copy of the correspondence to be forwarded to the Deputy.

### Ministerial Staff

440. **Deputy Lucinda Creighton** asked the Minister for Defence the name of each non-Civil Service adviser employed by him in the years 2009, 2010 and to date in 2011; each adviser's salary, expenses claims and job title in each year; and if he will make a statement on the matter. [2658/11]

**Minister for Defence (Deputy Tony Killeen):** The Special Advisers appointed by the previous Minister for Defence from June 2007 to February 2010 were Mr Derek Mooney and Ms Suzanne Coogan. Mr Declan Ryan was appointed as my Special Adviser when I became Minister for Defence in March 2010. A breakdown of the information requested is set out below.

Minister Willie O'Dea, T.D.

Mr Derek Mooney, Special Advisor up to 18th February 2010

Year	Job Title	Salary Scale	Expenses Paid
		€	€
2009	Special Advisor	86,168 – 106,582	1,005.20
2010	Special Advisor	80,051 – 98,424	144.15

## Ms Suzanne Coogan, Special Advisor up to 18th February 2010

Year	Job Title	Salary Scale	Expenses Paid
		€	€
2009	Special Advisor	86,168 – 106,582	2,357.04
2010	Special Advisor	80,051 – 98,424	129.49

## Minister Tony Killeen, T.D.

## Mr Declan Ryan Special Advisor as of 16th April 2010

Year	Job Title	Salary Scale	Expenses Paid
		€	€
2010	Special Advisor	86,168 – 106,582	Nil
2011	Special Advisor	80,051 – 98,424	Nil

**Official Travel**

441. **Deputy Lucinda Creighton** asked the Minister for Defence if he will provide details of any foreign trips made by him in the year 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the exact mode of ground transportation used; the name of each hotel and the nature of the entertainment for which the expenses were incurred; and if he will make a statement on the matter. [2673/11]

444. **Deputy Lucinda Creighton** asked the Minister for Defence if he will provide details of hotel accommodation used by him within the State while on ministerial duties in the years 2009, 2010 and to date in 2011; the name of each hotel in which he stayed; the costs associated with each stay and the purpose of each trip; and if he will make a statement on the matter. [2718/11]

**Minister for Defence (Deputy Tony Killeen):** I propose to take Questions Nos. 441 and 444 together.

Date	Name of Hotel	Costs Associated	Purpose of Trip	Mode of Ground Transport
		€		
25th – 26th April 2010	Hotel Royal, Luxembourg, Belgium	209	Defence Minister's Meeting, Luxembourg	Car
23rd – 24th September 2010	Accommodation paid by EU Presidency	Nil	Defence Council Meeting, Ghent, Belgium	Car
26th – 28th September 2010	Hotel Prishtina, Pristina	87	Visit to Irish troops serving with KFOR in Kosovo and EUFOR in Bosnia & Herzegovina	Military Transport
	Hotel Europe, Sarajevo	86		
16th – 17th November 2010	Accommodation paid by Swedish authorities	Nil	Live Exercise in Ronneby and Political Exercise in Stockholm as part of the Nordic Battlegroup Preparations	Official car of the Irish Ambassador to Sweden



[Deputy Tony Killeen.]

In relation to entertainment expenses, Minister Killeen hosted a dinner in Sarajevo on the 27th September 2010 for 11 officials at a cost of €349.05. It is not possible to isolate the costs associated with ground transportation on the above trips as transport was provided by officials and the Military as detailed above. The former Minister of Defence, Willie O’Dea, T.D., did not embark on any foreign trips in 2010.

The Ministerial Air Transport Service was availed of for all foreign travel during the period in question. Details of foreign trips using the Ministerial Air Transport Service in 2010 and to date in 2011 are set out in the tabular statement below.

Aircraft	Date	Ministerial Time on Board	Route
Learjet 45	25th – 26th April 2010	3hrs 20mins	Baldonnell – Luxembourg – Baldonnell
	23rd – 24th September 2010	3hrs	Baldonnell – Brussels – Baldonnell
Gulfstream IV	26th – 28th September 2010	8hrs	Baldonnell – Pristina – Sarajevo – Baldonnell
	16th – 17th November 2010	4hrs 25mins	Baldonnell – Ronneby – Stockholm – Baldonnell

With regard to the costs associated with the use of the Ministerial Air Transport Service, this Department follows the normal practice in the aviation business of costing aircraft by reference to the cost per flying hour under either of two headings:

- (a) The direct cost, i.e. the costs which are additional to those associated with having the aircraft and which only arise when the aircraft is flown including maintenance, fuel and support services; and
- (b) The total cost, i.e. the direct cost plus the costs associated with having the aircraft, i.e. depreciation and personnel costs

The costs associated with the dedicated MATS aircraft are as follows:

Aircraft	Average Direct Cost Per Hour	Average Total Cost Per Hour
	€	€
Gulfstream	4,050	7,890
Learjet	1,270	2,950

The information requested in relation to domestic trips made by me in the years 2010 and to date in 2011 are set out in the table below.

Date	Hotel	Amount	Purpose
		€	
14th May 2010	Keadeen Hotel, Newbridge, Co Kildare	105	Reserve Defence Force Representative Association Annual Delegate Conference
20th – 21st May 2010	Imperial Hotel, Cork	198	Visit to Collins Bks & Naval Base at Haulbowline
17th June 2010	Racket Hall Roscrea, Co Tipperary	49	Visit to Civil Defence HQ
25th June 2010	Keadeen Hotel, Newbridge, Co Kildare	105	Chief of Staff’s funeral
28th July 2010	Ormonde Hotel, Kilkenny	79	Visit to Stephens Bks Kilkenny

Date	Hotel	Amount	Purpose
		€	
8th September 2010	Abbey Court Hotel, Nenagh, Co Tipperary	75	Meeting re Civil Defence
25th October 2010	Clonmel Park Hotel, Clonmel, Co Tipperary	75	Visit to Kickham Barracks, Clonmel
28th October 2010	Cavan Crystal Hotel, Cavan Town	75	Visit to Cavan & Mullingar Barracks
21st November 2010	Great Northern Hotel, Bundoran, Co Donegal	50	Visit to Finner Camp

The former Minister of Defence, Willie O'Dea, T.D., did not avail of hotel accommodation while on domestic Ministerial duties in 2009 or 2010.

442. **Deputy Lucinda Creighton** asked the Minister for Defence if he will provide details of any foreign trips made by officials in his Department in the years 2009, 2010 and to date in 2011; the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of the entertainment for which expenses were incurred; and if he will make a statement on the matter. [2688/11]

445. **Deputy Lucinda Creighton** asked the Minister for Defence if he will provide details of any foreign trips made by officials in public bodies under the remit of his Department in the years 2009, 2010 and to date in 2011, the purpose of each trip; the costs associated with each trip broken down by air travel, ground transportation, hotel accommodation and entertaining expenses; if air travel was by way of commercial airline or Government jet; the mode of ground transportation used; the name of each hotel; the nature of entertainment for which expenses were incurred; and if he will make a statement on the matter. [2733/11]

**Minister for Defence (Deputy Tony Killeen):** I propose to take Questions Nos. 442 and 445 together.

It has not been possible in the time available to compile the information requested by the Deputy. The information will be forwarded to the Deputy as soon as possible.

443. **Deputy Lucinda Creighton** asked the Minister for Defence the occasions on which the Government jet was used to travel within the State in 2010 and to date in 2011; the purpose of each trip and the costs associated with each trip; and if he will make a statement on the matter. [2703/11]

**Minister for Defence (Deputy Tony Killeen):** The dedicated Ministerial Air Transport Service aircraft, i.e. the Gulfstream IV & Learjet 45, have not been availed of by any Minister for travel within the State in 2010 or to date in 2011.

*Question No. 444 answered with Question No. 441.*

*Question No. 445 answered with Question No. 442.*

### **Defence Forces Personnel**

446. **Deputy David Stanton** asked the Minister for Defence the number of Permanent Defence Force and Reserve Defence Force personnel respectively for whom applications have been submitted to the Garda central vetting unit who are still awaiting clearance; the average

[Deputy David Stanton.]

amount of time the Defence Forces would normally expect to wait to receive vetting clearance for PDF and RDF personnel respectively; and if he will make a statement on the matter. [2768/11]

**Minister for Defence (Deputy Tony Killeen):** I am advised by the Military Authorities that, as of 14 January 2011, the number of applications that had been submitted to the Garda Central Vetting Unit and for which clearance was awaited was 290 in respect of the Permanent Defence Force and 503 in respect of the Reserve Defence Force. The Garda Central Vetting Unit has informed all agencies applying for vetting that the normal expected return time for all applications is approximately 11 weeks. This applies to applications for both the Permanent Defence Force and the Reserve Defence Force. This return time has reduced in recent months from a previous reply time of approximately 15 weeks.

### Charities Regulation

447. **Deputy Finian McGrath** asked the Minister for Defence if he will examine and support a matter (details supplied). [3019/11]

**Minister for Defence (Deputy Tony Killeen):** The table below outlines the annual amounts paid by the Department to registered charities in 2010.

Year	Organisation/Body		
	Organisation of National ex-Servicemen and Women (ONE)	Irish United Nations Veteran Association (IUNVA)	The Irish Red Cross Society
2010	€40,000	€10,000	€951,000

Both the Organisation of National ex-Servicemen and Women(O.N.E.) and Irish United Nations Veteran Association(IUNVA) are registered as charitable organisations (CHY 13868 and CHY 10066 respectively). The Irish Red Cross Society (CHY 3950) is an independent statute based charitable organisation with full power to manage its own affairs. The grant paid in quarterly amounts to the Irish Red Cross Society includes the Government's annual contribution (currently €130,000) to the International Committee of the Red Cross.