



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Thursday, 20 January 2011.

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DÁIL ÉIREANN

Déardaoin, 20 Eanáir 2011.
Thursday, 20 January 2011.

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

Paidir.

Prayer.

Requests to move Adjournment of Dáil under Standing Order 32.

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

Deputy Emmet Stagg: I seek the adjournment of the Dáil under Standing Order 32 to debate the following urgent matter of public interest, namely, the illegal dump at Kerdiffstown, Naas, where more than 1 million tonnes of unauthorised waste has been dumped, where the High Court has ordered that no further waste be dumped, where large volumes of foul smelling and deadly gases are released into the ground and atmosphere, where poisonous leachate is leaking into the surrounding ground and threatening to pollute the Kildare and Dublin water supply via the nearby River Morrell, which runs into the River Liffey, and where several fires have occurred, adding to the toxic atmosphere; the need for Dáil Éireann to resolve that the Minister for the Environment, Heritage and Local Government, should now instruct the EPA to take the necessary remedial action in the interests of public safety to render this illegal dump safe by putting in place the infrastructure to prevent the gases and leachate escaping from the site and to remove the waste for suitable treatment; and that these works should be funded from the landfill levy and the plastic bag levy that will bring in an income of €69 million in 2011.

Deputy Aengus Ó Snodaigh: Ba mhaith liom an Dáil a chur ar athló faoi Bhun Ordú 32 chun déileáil le gné rí-thabhachtach seo, namely, the urgent need for the Government to respond to the Synthesis Report on equality bodies recently published by the European Commission, which was highly critical of the seven and eight year delays for some cases at the Equality Tribunal, attributed to inadequate resources and the decentralisation of the Equality Authority, which the report held impedes accessibility. While recognising that funding reductions are likely in the context of the economic downturn, it concluded that the 43% cut in the authority's funding in 2008 was one of just seven examples where the cuts imposed were disproportionate, amount to regression and diminish the effectiveness of the body. The report recommends that the Government "establish a clear and transparent process for calculating and attributing an adequate resource base to equality bodies and ensure that it cannot be reduced without clear rationale and broad and public debate".

Deputy Martin Ferris: I seek the adjournment of the Dáil under Standing Order 32 to debate the situation at Dublin Airport, where Aer Lingus management have breached an agreement

[Deputy Martin Ferris.]

with the workers' representatives, sought unilaterally to impose roster changes and have turned away staff reporting for work, which has resulted in flight disruptions, and the urgent need for the Labour Court to intervene.

Deputy Bernard J. Durkan: I seek the adjournment of the Dáil under Standing Order 32 to debate the following urgent matter of public interest, namely, the ongoing and escalating industrial dispute between Aer Lingus and its aircraft cabin crews, which has resulted in dismissals, cancellation of flights, annoyance, stress and disappointment to passengers in a vital sector at a time of economic sensitivity. I call on the Minister for Transport to intervene immediately by way of appointment of a suitable arbitrator with a view to early and amicable resolution at this crucial time for the economy, Aer Lingus and its staff.

A Cheann Comhairle, I received a note from you in response to a similar request yesterday, which effectively stated that the Minister had no responsibility to the House. He does not have it now.

An Ceann Comhairle: Deputy, it is not appropriate to be raising this matter under Standing Order 32.

(Interruptions).

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

Order of Business

The Tánaiste: The Order of Business is No. 19, Communications Regulation (Postal Services) Bill 2010 [Seanad] — Second Stage (resumed); and No. 4 — Environment (Miscellaneous Provisions) Bill 2011 — Order for Second Stage and Second Stage.

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

Deputy Tom Hayes: Where do we leave our CVs for all these jobs?

An Ceann Comhairle: I call Deputy Kenny on the Order of Business. Can we have silence for the Deputy?

Deputy Enda Kenny: Due to the antiquated Standing Orders that operate in here, I am precluded from making a proposal to change the Order of Business. Where is the Taoiseach this morning? Why is he not in the Chamber of the heart of our democracy to tell us what is going on?

A Deputy: He is making the tea.

A Deputy: He is looking for a Minister.

(Interruptions).

An Ceann Comhairle: I call on Deputy Burton.

Deputy Enda Kenny: I want an answer to the question.

An Ceann Comhairle: The Deputy knows that we do not have the Taoiseach on the Order of Business on a Thursday morning. The Tánaiste deals with the Order of Business on a Thursday morning.

Deputy Noel J. Coonan: He is having tea with Deputy Gogarty.

Deputy Enda Kenny: A Cheann Comhairle, I have noticed in the past three weeks that on Leaders' Questions, you jump in within 30 seconds of me making my offering. You allow the Taoiseach to speak for 11 or 12 minutes uninterrupted on each occasion.

An Ceann Comhairle: Deputy Kenny, there is an obligation on me as Chair to maintain order in the House, and I intend to do that.

Deputy Enda Kenny: I want to ask the Tánaiste where Brian Cowen is now. He should be in this Chamber.

An Ceann Comhairle: Deputy Kenny——

Deputy Enda Kenny: In the long history of this State, this situation has never obtained previously, where almost half of the Cabinet have resigned. This was plotted and planned to some extent for the past couple of weeks. The junior partners in the Government have been treated with contempt. Do the people over there not understand that the anger on the streets of our country is unprecedented at their carry on? Ministers resign for their pensions and their positions are not filled until they are given the say so. We do not know whether these resignations have been accepted, whether technically there is a Minister in charge of the Department of Justice and Law Reform, the Department of Transport or the Department of Health and Children, where there is a constitutional requirement to have a Minister in charge of these Departments. This would not have happened even in the days of great dictators.

What the Government has done is unprecedented. It is about time that the Green Party stopped tweeting and stood up to the mark.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Enda Kenny: The people of this country want their say.

Deputy Fergus O'Dowd: Where are they?

Deputy Enda Kenny: Before Christmas we offered the Government the opportunity to put through the Finance Bill. We came back a week early to discuss the Finance Bill. In the second week of this session, it is not even published and we are now told by the Green Party that it is not due to appear until next week.

Tánaiste, these are the last days of the worst Government in the history of the State.

Deputies: Hear, hear.

Deputy Enda Kenny: It is a cowardly, disgraceful act of the Taoiseach, Deputy Brian Cowen, in refusing to come in here today to tell the people of his country what is happening with a Government that has imploded, is dysfunctional, has disintegrated and let our people down.

I am constrained by these rules from voting on changing this proposal. I want to know from the Tánaiste where is the Taoiseach, Deputy Cowen, why is he not here——

Deputy Pádraic McCormack: He is making his promises.

Deputy Enda Kenny: ——and why are we not being told what is happening. If the Green Party Members are listening up in their rooms, it is about time that they stepped up to the mark, name the date as 12 or 14 February for the conclusion of the Finance Bill, have a dissolution of this Dáil, and let the people have their say. This is the worst Government in the

[Deputy Enda Kenny.]

history of our State, and the Tánaiste is now sitting in the chair of power. I ask her to answer the question: where is the Taoiseach?

Deputy Pádraic McCormack: Is he checking the list, Mary?

The Tánaiste: If I may be as disorderly as the Leader of the Opposition——

An Ceann Comhairle: I will have to——

Deputy Kathleen Lynch: That is your job gone, a Cheann Comhairle.

The Tánaiste: The issue is that in the main, I take the Order of Business on a Thursday. That has been the tradition unless——

Deputy Alan Shatter: This is no ordinary Thursday.

The Tánaiste: ——I am not in a position to do so.

(Interruptions).

An Ceann Comhairle: Deputies, one speaker at a time. Otherwise, we will not be able to hear ourselves in the House.

Deputy Alan Shatter: Six members of the Government have departed.

An Ceann Comhairle: Deputy Shatter, please.

Deputy Alan Shatter: An historical act of collective Cabinet irresponsibility.

An Ceann Comhairle: Deputy Shatter.

The Tánaiste: If and when the Taoiseach has an announcement to make——

Deputy Pádraic McCormack: On the promises.

The Tánaiste: ——arising from resignations, he will do so to the House when the relevant constitutional arrangements have been complied with.

An Ceann Comhairle: Deputy Eamon Gilmore.

Deputy Fergus O'Dowd: Has the Minister resigned or not? Is the Minister, Deputy Batt O'Keeffe, gone or not?

An Ceann Comhairle: Deputy O'Dowd, I have called Deputy Eamon Gilmore.

Deputy Alan Shatter: On a point of order——

An Ceann Comhairle: Deputy, will you resume your seat? I have called Deputy Eamon Gilmore.

Deputy Alan Shatter: No, on a brief point of order, is there not a constitutional obligation on the Taoiseach to inform the House of Ministers who have resigned?

Deputy Fergus O'Dowd: Yes.

Deputy Alan Shatter: The Taoiseach is in flagrant violation of that constitutional obligation. He must come into the House today and inform the House of who has resigned and what remains of the totally incompetent Cabinet.

An Ceann Comhairle: Deputy Shatter, you have made your point.

Deputy Eamon Gilmore: A Cheann Comhairle, what is happening here this morning is disrespectful of the people of this country.

Deputies: Hear, hear.

Deputy Eamon Gilmore: We heard on the news last night that the Minister for Health and Children has resigned. We then heard that three other Ministers — the Minister for Defence, the Minister for Justice and Law Reform and the Minister for Transport — have resigned. There is speculation that another Minister is about to resign.

It has always been the case that when Ministers of the Government resign a statement is made to the Dáil by the Taoiseach informing the Dáil of the resignations of the Ministers or that he is informing the President to accept their resignations and indicating whatever arrangements are being made either for the appointment of new Ministers or the transfer of their functions.

We have a flu epidemic. We have people lying on trolleys in hospitals, and the Minister for Health and Children has taken to the hills. We have flights being cancelled in Aer Lingus, and the Minister for Transport has resigned. We have problems of crime in many parts of the country, and the two Ministers responsible for justice and defence are gone. We have had unprecedented commentary on this country by both President Sarkozy of France, and yesterday by the President of the European Commission, and the Minister for Foreign Affairs is gone.

We hear from interviews being given by one of the retiring Ministers that this was all being planned and talked about, even before Christmas, that there is an orchestrated resignation of Ministers going on. There is some kind of a political, cynical——

Deputy Pádraic McCormack: The vote is over.

Deputy Eamon Gilmore: ——grubby exercise in last-minute jobbery being hatched by this Government which we are not being told about, and we are not being told who has Government responsibility for various issues.

Deputy Pádraic McCormack: He waited till the vote was over.

Deputy Eamon Gilmore: Can the Tánaiste tell us who has resigned or who is about to resign? Can the full list of resignees be told to us?

A Deputy: And put on the record.

Deputy Eamon Gilmore: Can we be told to whom are the Departments responsible? If the Garda Commissioner or the Chief of Staff of the Army has a serious issue of security or of crime to deal with this morning, to whom do they report? There is a clear issue of reporting required in those cases.

An Ceann Comhairle: Deputy Gilmore——

Deputy Eamon Gilmore: I am sorry to——

An Ceann Comhairle: We will call on the Tánaiste——

Deputy Eamon Gilmore: I am sorry to keep you——

Deputy Paul Kehoe: Does the Deputy have his ‘phone on?

Deputy Eamon Gilmore: I am sorry if I am keeping you from your coffee and “biccies” but these are serious matters which require to be addressed. This started out as a matter of survival of the Taoiseach, Deputy Brian Cowen, and now survival of Fianna Fáil, and that is Fianna Fáil’s business, but the problem now is that it is seriously impacting on the way in which the country is not being run.

Deputy Kenny is right. We need to be able to vote on this issue. The Labour Party has a motion of no confidence before the House in what is now a disintegrating and dysfunctional Government. That can be taken today if the Government is so minded. Alternatively, somebody on behalf of the Government, presumably the Taoiseach, can come in here and tell us what will be done about what are now vacant ministerial portfolios, but we simply cannot go on. The idea that the Tánaiste can come in here and announce that the Order of Business is the Communications Regulation (Postal Services) Bill in circumstances where the Government is disintegrating is eccentric.

Deputy Jan O’Sullivan: Paralysis.

Deputy Eamon Gilmore: Let us have some real answers about what is going on.

The Tánaiste: I did advise the House that if and when the Taoiseach makes an announcement he will do so in this House when the constitutional arrangements have been complied with.

This reminds me of the dramatics of 1986 when the coalition Government denied the people of Donegal South-West their right to be represented after the death of my father.

(Interruptions).

The Tánaiste: Not to mention——

An Ceann Comhairle: Deputies, please.

The Tánaiste: ——the dramatics of a former Tánaiste——

Deputy Fergus O’Dowd: Where is the Taoiseach, for God’s sake?

An Ceann Comhairle: Deputy O’Dowd. Can we hear the Tánaiste without interruption?

The Tánaiste: ——of the Labour Party who walked out on the Fine Gael Party well before Christmas and we did not have an election until February.

Deputy Ruairí Quinn: The Tánaiste is wrong.

Deputy Michael Ring: Will you call for an election, a Cheann Comhairle, because of the people of the country——

An Ceann Comhairle: Deputy Ring, Deputy Gilmore is in possession.

Deputy Michael Ring: Let us have the election and get rid of all of the Ministers.

All these boys are worried about, with their hands in their pockets, is whether the ‘phone will go off and they will be called.

(Interruptions).

An Ceann Comhairle: I will have to suspend the House unless we can get the co-operation of the members of the House.

(Interruptions).

An Ceann Comhairle: Deputy Eamon Gilmore is in possession.

Deputy David Stanton: Close it down. Suspend the whole place.

A Deputy: The four amigos.

Deputy Alan Shatter: The last four standing.

Deputy Fergus O'Dowd: Where are the green bottles?

Deputy Eamon Gilmore: A Cheann Comhairle, we have a Constitution and it is very clear that the appointment of members of the Government has to be approved by the Dáil. First, will the Tánaiste indicate if the Taoiseach intends to come in here at some stage today and propose the appointment of new members of the Government for the approval of the Dáil? Second, until that happens, can she tell us who is in charge of the Department of Justice and Law Reform this morning? To whom is the Garda Commissioner required to report now, this minute? To whom is the Garda Commissioner required to report at this minute? Who is in charge of the Department of Defence this morning? To whom does the Chief of Staff report now? We heard that the Department of Foreign Affairs has been assigned to the Taoiseach. That deals with that. To whom do we address our concerns about what is happening in Dublin Airport, the cancellation of flights and the inconvenience to passengers? Who has responsibility for the Department of Transport and—

Deputy Jan O'Sullivan: The Department of Health and Children.

Deputy Eamon Gilmore: Health, of course.

Deputy Kathleen Lynch: There are so many.

Deputy Eamon Gilmore: Who is in charge of the Department of Health and Children? Is it true, as we have been hearing, that the Minister for Enterprise, Trade and Innovation is resigning? That is what we were being tweeted with from Government sources earlier this morning.

Deputy Simon Coveney: Some 150 jobs in Cork should be announced today.

The Tánaiste: I cannot add to what I have said twice in this House, that the Taoiseach will come to the House when the constitutional issues have been complied with. The Taoiseach will revert to the House.

(Interruptions).

Deputy Emmet Stagg: Where is the Taoiseach?

Deputy Michael D. Higgins: Will he make the announcement before he goes to the Park?

Deputy Brendan Howlin: Will the Taoiseach be attending the House today?

An Ceann Comhairle: I call Deputy Gilmore to continue. The Tánaiste has outlined the up-to-date position in regard to this matter.

Deputy Michael D. Higgins: She has not. The Taoiseach should announce to the House what he intends to do.

Deputy Fergus O'Dowd: We should adjourn until he does so.

An Ceann Comhairle: The Tánaiste has indicated the position regarding that matter.

Deputy Eamon Gilmore: The constitutional requirements to which the Tánaiste refers are not matters that can be dealt with whenever the Taoiseach feels he can get around to doing so. They must be complied with now and they must be complied with here. Five ministries were vacant, one of which has been reassigned. Four are currently vacant, that we know of, to which no Cabinet Minister has been assigned. The Constitution must be complied with.

A Deputy: It is a slightly constitutional party

Deputy Noel Ahern: Can't you wait a few hours?

Deputy Eamon Gilmore: Did the Deputy say can we not wait a few hours?

Deputy Brendan Howlin: Who said that?

Deputy Emmet Stagg: What about a few months?

(Interruptions).

Deputy Eamon Gilmore: That is the swansong of this Government. It should be titled, "Can't you wait a few hours for the Constitution" It is like saying, "Can't the people who are lying on trolleys wait a few days before they get a bed" and "Can't the people who are out of work wait a few months, or even a few years, before they get back to work". We can wait no longer.

Deputy Michael Ring: Is Fianna Fáil more important than the country?

Deputy Fergus O'Dowd: Are all the former Ministers gone to the cupboard?

An Ceann Comhairle: Could we hear Deputy Ó Caoláin without interruption?

Deputy Liz McManus: Could we have an answer?

An Ceann Comhairle: I call Deputy Ó Caoláin. I will have no option but to suspend the House unless I get the co-operation of Members.

(Interruptions).

Deputies: Suspend the House.

Deputy Michael Ring: Close the whole thing down.

Deputy Paul Kehoe: A Cheann Comhairle, I propose that you suspend the sitting and give the Taoiseach time to attend to announce what is happening.

An Ceann Comhairle: I ask for attention for Deputy Ó Caoláin.

Deputy Caoimhghín Ó Caoláin: I am trying to address the Tánaiste, a Cheann Comhairle. This morning on "Morning Ireland" the former Minister for Transport, as we understand, Deputy Noel Dempsey, indicated that discussion of his resignation took place with the Taoiseach a fortnight ago. Were these resignations part of a plot organised by the Taoiseach so that in his subsequent one-on-one meetings with all his party members in advance of the

vote of confidence motion he would have the opportunity to dangle before some of them the prospect of ministerial or junior ministerial promotion?

The question deserves to be answered. We are told the vote was extremely tight.

A Deputy: What was Deputy Mansergh promised?

Deputy Caoimhghín Ó Caoláin: There are sources that suggest that the vote was very tight. Did the Taoiseach use that opportunity?

A Deputy: What was Deputy Roche promised?

Deputy Caoimhghín Ó Caoláin: If this situation was being contrived a fortnight ago in order to dangle the prospect of promotion in return for support, a whole new dimension needs to be properly addressed, aired and explored. I believe it requires a very clear answer and not, with respect, from the Tánaiste, because she was not party to all of that, but most certainly from the Taoiseach on the floor of the House.

Some of our memories are not entirely lost and we know exactly why the Taoiseach is not here on a Thursday. That has to be highlighted here also.

Deputy Pádraic McCormack: He is checking the boxes.

Deputy Caoimhghín Ó Caoláin: I have always believed the Taoiseach should be here on every Tuesday, Wednesday and Thursday.

The people watching this cannot not believe there are further strokes that can be played in advance of the general election. They are looking in astonishment at the unacceptability of what is unfolding.

Are those who shout loudest most favoured for promotion? We will watch and see. Watch this space for certain.

We are asking was this a contrived outrageous plot that puts our questions of the past couple of weeks regarding State board appointments in advance of a general election in the tuppenny ha'penny place. You will not fool the Irish people by this outrageous behaviour.

Deputy Timmy Dooley: A bit like Sinn Féin did to Deputy Morgan.

Deputy Caoimhghín Ó Caoláin: Deputy Dooley should not worry. He is in the running for the front or second bench.

An Ceann Comhairle: Deputy Ó Caoláin, please resume your seat. I call Deputy Enda Kenny.

A Deputy: Did Deputy Roche get the call? He is smiling.

Deputy Caoimhghín Ó Caoláin: The Tánaiste has replied to the other leaders. As leader of the Technical Group I am deserving of the same courtesy from the Tánaiste and your assistance, a Cheann Comhairle, in securing same.

An Ceann Comhairle: Two other party leaders are indicating that they wish to make brief comments. We will then have the response from the Tánaiste.

Deputy Caoimhghín Ó Caoláin: They have already had their responses. They can, of course, come back. We are entitled to a direct reply and I hope you will defend that, a Cheann Comhairle.

Deputy Enda Kenny: The comments of Deputies Ó Caoláin and Gilmore are valid, in the context of what is happening here. The demonstration in the last number of days of the Fianna Fáil Party's concern for the people of the country and for the country is best exemplified in the words of the previous Taoiseach, "Our ethics are to get in here and stay in here". A senior Government Minister thinks it is appropriate that the Taoiseach is not fit to be leader of the Fianna Fáil Party but is fit to lead the country. If that is how low the values of Irish politics have descended——

An Ceann Comhairle: Deputy Kenny, you are getting into an area that is not appropriate to the Order of Business.

Deputy Enda Kenny: This is unprecedented. There is a duty of notice of changes to Government and a duty of notice to the House of the transfer of constitutional responsibilities. I ask you, a Ceann Comhairle, to suspend the House for one hour and get the Taoiseach here to tell us what is happening.

Deputies: Hear, hear.

Deputy Eamon Gilmore: I support Deputy Kenny in this. The sitting should be suspended until the Taoiseach is in a position to inform the House of the resignations and the arrangements for the transfer of the responsibilities of the Ministers who have resigned. When the Taoiseach accepted the resignations, I presume he transferred the responsibilities.
11 o'clock We should be told to whom they have been transferred. We were not told this morning. I do not know if the Tánaiste is aware of it or not. However, the House and the public must be told who, for example, is in charge of the Garda. Who is in charge of the legal system, the courts and so on?

This is not something that one leaves vacant. I presume that when the Taoiseach was informed last night or in whatever discussions he had with the Minister for Justice and Law Reform that the latter was resigning, a transfer of functions took place. Members must be told this in the first instance and second must hear what the Taoiseach plans to do in the longer term. I support Deputy Kenny's proposal that this sitting should be suspended until the Taoiseach is in a position to come into the Chamber and tell Members these things.

An Ceann Comhairle: As for the request for a suspension, the Chair is not empowered to suspend the House except when there is gross disorder in the House and we were verging on that——

(Interruptions).

Deputy Paul Kehoe: Close the whole thing down.

An Ceann Comhairle: Deputies should sit down.

(Interruptions).

An Ceann Comhairle: Deputies should resume their seats please. I have clearly stated what is the position and if we have continuous disorder, I will suspend the House.

Deputy Paul Kehoe: Close the whole thing down.

(Interruptions).

Deputy Alan Shatter: Bring the Taoiseach into the House.

Deputy Charles Flanagan: Suspend the House until Members receive an indication in respect of the constitutional issues.

The Tánaiste: A Cheann Comhairle——

Deputy Alan Shatter: The Tánaiste will not tell Members what is going on.

An Ceann Comhairle: Deputies, please. One speaker at a time in the Chamber as otherwise, we will not be able to hear what is being said. I have called the Tánaiste.

Deputies: Suspend the House.

The Tánaiste: Under the Constitution, Ministers have not resigned until such times as their resignations have been accepted by the President.

Deputy Charles Flanagan: Where are they?

Deputy Alan Shatter: They must be in limbo.

Deputy David Stanton: Where is the Ballincollig one?

The Tánaiste: As I indicated, for the fourth time, that when these matters have been complied with, the Taoiseach will revert to the House.

Deputy Michael D. Higgins: The Taoiseach must state whether he is recommending such acceptance.

Deputy Bernard J. Durkan: On a point of order——

An Ceann Comhairle: Deputy Durkan, on a point of order.

Deputy Bernard J. Durkan: On a point of order, the points raised by Members previously on the Opposition side are absolutely accurate. As a long-standing Member of this House, the Ceann Comhairle knows there never has been a situation in which there has been a major set of reappointments of Ministers to the Cabinet without the Taoiseach coming into the House and making a formal announcement. The Ceann Comhairle has the power to suspend the House, as already has been requested, to give some credence to this House in the face of the people, particularly——

An Ceann Comhairle: The Deputy has made his point and should resume his seat please.

Deputy Bernard J. Durkan: I have not finished my point.

An Ceann Comhairle: The Deputy has made his point of order.

Deputy Bernard J. Durkan: Particularly since the Tánaiste also, as a long-serving and experienced Member of this House, surely will not allow this House to be brought into further disrepute by refusing to allow the Taoiseach come into the House to make that formal announcement.

Deputy Eamon Gilmore: The Constitution is very clear in this regard. Article 13.1.3° states “The President shall, on the advice of the Taoiseach, accept the resignation or terminate the appointment of any member of the Government.” Has or has not the Taoiseach advised the President to accept the resignations of the Ministers who announced their own resignations

[Deputy Eamon Gilmore.]

last night? Second, as the Dáil's business is a matter for the Dáil itself, I formally move that this sitting be suspended until the Taoiseach comes in here and clears up these matters.

Deputy Alan Shatter: Fine Gael already has done that.

An Ceann Comhairle: I am not empowered to accept that proposal. We are in Government time.

Deputy Joan Burton: Will the Government accept the amendment?

Deputy Brendan Howlin: This has gone beyond farce.

Deputy Eamon Gilmore: Will the Government accept this proposal?

Deputy Charles Flanagan: On a point of order, the Ceann Comhairle as Chairman of this House, lawfully elected by its Members some time ago——

Deputy Pádraic McCormack: He is in charge.

Deputy Charles Flanagan: ——or at least appointed to the position on the nomination of the Taoiseach of the day, has responsibility in this regard. On behalf of Members, I ask the Ceann Comhairle to ensure the constitutional provisions are fully complied with. I refer in particular to the confusion the Tánaiste now has introduced by stating that no one has resigned. Who is she trying to fool? She stated that no one has resigned.

An Ceann Comhairle: The Deputy has made his point on a point of order.

Deputy Charles Flanagan: Finally, I ask the Ceann Comhairle to take on board Deputy Kenny's suggestion that the business of the House be suspended for an hour to allow the Taoiseach to deal with the constitutional issues as raised.

An Ceann Comhairle: I am not so empowered. The Committee on Procedure and Privileges can give that power to the Chair but I do not have it at present. I call an Teachta Ó Caoláin.

Deputy Charles Flanagan: The Ceann Comhairle has the power to suspend proceedings at any time and has done so in the past.

Deputy Damien English: Who will stop the Ceann Comhairle?

An Ceann Comhairle: On foot of on unruly behaviour.

Deputy Charles Flanagan: He has threatened to suspend the House this morning.

An Ceann Comhairle: I call an Teachta Ó Caoláin.

Deputy Caoimhghín Ó Caoláin: A Cheann Comhairle——

Deputy Bernard J. Durkan: On a point of order——

An Ceann Comhairle: Deputy, I have called an Teachta Ó Caoláin.

Deputy Caoimhghín Ó Caoláin: Perhaps the Deputy will allow me to finish first.

Deputy Bernard J. Durkan: What the Ceann Comhairle just said on the point of order was untrue. He does have the power to adjourn or dismiss the House at any time.

An Ceann Comhairle: The Deputy should resume his seat.

Deputy Brendan Howlin: On a point of order, in my experience, when there is no Minister for Justice and Law Reform or even when that Minister leaves the State, it is normal practice that a formal transfer order is made to transfer the functions of the Minister for Justice and Law Reform to another member of Government. Has there been a formal transfer of the powers and authority of the Minister for Justice and Law Reform to another member of the Cabinet?

Deputy Noel J. Coonan: He has not resigned.

The Tánaiste: I will state once more that as I have indicated a number of times, Ministers remain until such times as the President has accepted those resignations. I also stated——

Deputy Charles Flanagan: No.

Deputy Pádraic McCormack: Where are they?

An Ceann Comhairle: Deputies, please.

A Deputy: Are they in limbo? The Tánaiste should listen to the spin upstairs.

The Tánaiste: ——that if and when these matters are complied with, the Taoiseach of course will come to the House.

Deputy Brendan Howlin: For clarity and on a point of order——

The Tánaiste: I cannot add any more than that to it.

(Interruptions).

An Ceann Comhairle: Three Members are on their feet simultaneously and I ask them to resume their seats. Deputy Howlin, on a point of order.

Deputy Caoimhghín Ó Caoláin: A Cheann Comhairle, I have been called and what I have to ask is a point of order. May I have the opportunity to ask it?

An Ceann Comhairle: I will call the Deputy when Deputy Howlin finishes.

Deputy Brendan Howlin: I seek clarity in order that Members will know the precise position in respect of a serious matter, namely, the role and responsibilities under the Constitution of the Minister for Justice and Law Reform. Is the Tánaiste formally informing the House that the Minister, Deputy Dermot Ahern, is, as of 11.10 a.m., fully responsible for the Department of Justice and Law Reform?

An Ceann Comhairle: Deputy, this is too much.

Deputy Brendan Howlin: Members need to know who is the Minister for Justice and Law Reform. This is a basic question.

Deputy Alan Shatter: Briefly, on the same issue, while I would not normally make reference to this in the House, the Minister, Deputy Dermot Ahern, required a hospital procedure that would have resulted, presumably——

An Ceann Comhairle: Deputy Shatter, please.

Deputy Alan Shatter: —in his powers as Minister for Justice and Law Reform being transferred at that time some days ago to another Minister. Does the Tánaiste know who was the Minister in those circumstances—

An Ceann Comhairle: Deputy Shatter has made his point.

Deputy Alan Shatter: —who took over the powers of the Minister for Justice and Law Reform—

An Ceann Comhairle: Deputy Shatter.

Deputy Alan Shatter: —at a time when the Minister, Deputy Dermot Ahern, could not exercise those powers for the specific reason mentioned?

Deputy Michael D. Higgins: Is that person still a member of the Cabinet?

Deputy Alan Shatter: Does that Minister retain the powers of the Minister for Justice and Law Reform? This is not a minor matter.

An Ceann Comhairle: Deputy, please.

Deputy Alan Shatter: If the Tánaiste, as Deputy Prime Minister of this country—

An Ceann Comhairle: Deputy, calling a point of order and then availing of it to continue to make a Second Stage speech is not tolerable.

Deputy Alan Shatter: —does not know the answer to that question—

An Ceann Comhairle: Deputy, please resume your seat. I have called on an Teachta Ó Caoláin.

Deputy Alan Shatter: —the Government is not functional.

Deputy Caoimhghín Ó Caoláin: Go raibh maith agat a Cheann Comhairle.

Deputy Alan Shatter: The Government is not functional—

An Ceann Comhairle: The Deputy should resume his seat, please.

Deputy Alan Shatter: —and Members are entitled to know the answer to that question.

Deputy Caoimhghín Ó Caoláin: There is a critical question that already has been asked.

Deputy Alan Shatter: A Cheann Comhairle, it should not be necessary, in the context of—

An Ceann Comhairle: Deputy, please resume your seat. I will suspend the House unless the Deputy resumes his seat.

Deputy Caoimhghín Ó Caoláin: If the Ceann Comhairle will allow—

(Interruptions).

An Ceann Comhairle: The House is suspended for 15 minutes.

Sitting suspended at 11.10 a.m. and resumed at 11.25 a.m.

Deputy Caoimhghín Ó Caoláin: With respect, will the Ceann Comhairle allow me to proceed?

An Ceann Comhairle: I call Deputy Kenny. I will come back to the Deputy.

Deputy Enda Kenny: We are in an unprecedented situation here. In the past ten minutes, I sent the Taoiseach a letter to the effect that it would be appropriate that he attend the House and inform the people and the country what responsibilities various Ministers reputed to have resigned now hold. We need to know whether the President has accepted his recommendations for resignations. We need to know what background planning went into this situation. I understand that as we speak the Green Party leadership is now in direct contact with the Taoiseach and I understand the Taoiseach is in Government Buildings. I formally request the Ceann Comhairle to suspend the House until such time as the Taoiseach attends the House and informs the Irish public what is happening to his country.

Deputies: Hear, hear.

An Ceann Comhairle: I have advised that I am not empowered to suspend the House.

Deputy Enda Kenny: There is a facility for the Ceann Comhairle to suspend the House.

An Ceann Comhairle: Yes, for gross disorder.

Deputy Eamon Gilmore: I wish to support the request that has been made by Deputy Kenny that the House be suspended until we hear from the Taoiseach. There is no option or alternative to that. The Constitution is very clear as to what happens when Ministers resign. Clearly, from our earlier exchanges, the Tánaiste, at best, does not seem to know what is happening. A number of Ministers have announced that they have resigned and we need to know if the Taoiseach has accepted those resignations and if he has advised the President that he has accepted them. That is a matter of fact of which we need to be informed. Following on from that, we then need to know what arrangements are being made with regard to the responsibilities of those Ministers. As indicated earlier there are some serious responsibilities involved in regard to the Ministers for Justice and Law Reform, Health and Children, Transport and Defence. We need to know with whom these responsibilities now rest.

The Minister for Transport, Deputy Dempsey — I am not sure if I should refer to him as former Minister or not because we do not know if he has resigned or whether, if he has done so, that resignation has been accepted——

Deputy Pádraic McCormack: He is thinking about it.

Deputy Eamon Gilmore: The Minister told the nation this morning that these discussions with the Taoiseach had been ongoing since before Christmas, which would suggest that a carefully orchestrated plan was hatched whereby Ministers would resign and new Ministers would be appointed, which is one of the most cynical and grubby exercises——

Deputy Bernard J. Durkan: Hear, hear.

Deputy Eamon Gilmore: ——in last minute jobbery by Fianna Fáil before the holding of a general election. All of these are matters in regard to which we need to be absolutely clear. People in this country and others who this morning may be considering investing in it and creating jobs here need to know if we have a Government and if so, if it is functioning.

Deputy Bernard J. Durkan: Hear, hear.

Deputy Eamon Gilmore: The fundamental question that arises for anyone outside of this country who may be considering investing in or creating jobs here is, having watched during the past hour what has been going on in this House, “Is there a Government?”

Deputy Bernard J. Durkan: Hear, hear.

Deputy Simon Coveney: The Government is making us a laughing stock.

Deputy Eamon Gilmore: We need to——

An Ceann Comhairle: We are dealing with the Order of Business and we need to move on.

Deputy James Reilly: We need to move on with the election.

Deputy Eamon Gilmore: This is extraordinary business. In my 20 years as a Member of this House I have seen some fairly significant changes in Government in dramatic days. However, I have never been here in circumstances in which I do not know whether we have a Government, who are the members of that Government and who holds responsibility for particular portfolios and the Taoiseach is not in the House to tell us what is happening. It would appear the Tánaiste does not know what is happening. We need clarity. The only way we are going to solve this is to suspend the sitting until the Taoiseach is in a position to come into the House. That is the minimum that needs to happen.

Deputy Bernard J. Durkan: Hear, hear.

An Ceann Comhairle: I do not have the power to suspend the House in those circumstances. We are in Government time.

(Interruptions).

Deputy Eamon Gilmore: The Ceann Comhairle may not be empowered to do so but I am putting it——

An Ceann Comhairle: I must advise Members that if the Committee on Procedure and Privileges wishes to give that power to the Chair, that is fine. However, I do not have such power as of now.

Deputy James Reilly: The Ceann Comhairle has suspended the House often enough.

Deputy Fergus O'Dowd: It can happen.

(Interruptions).

Deputy Eamon Gilmore: I support Deputy Kenny's proposal on this matter. I am asking the Tánaiste to agree on behalf of the Government that the sitting be suspended until the Taoiseach comes into the House.

A Deputy: Hear, hear.

Deputy Fergus O'Dowd: The Government can agree to it.

Deputy Emmet Stagg: On a point of order——

Deputy Caoimhghín Ó Caoláin: I ask other Opposition Members to respect my right, on behalf of the Technical Group, to participate. At every opportunity the Ceann Comhairle has

called me, a series of points of order have been raised. I ask other Members to hold their points of order until we have had a chance to contribute.

Deputy Frank Feighan: The Deputy is being disorderly.

Deputy Caoimhghín Ó Caoláin: They have had their chance and fair play is now deserved.

Deputy Pádraic McCormack: Relax.

Deputy Caoimhghín Ó Caoláin: I am asking the Ceann Comhairle to allow me to participate.

An Ceann Comhairle: I am allowing the Deputy to participate. The Deputy must be relevant.

Deputy Caoimhghín Ó Caoláin: We know well the reason the Taoiseach is not here. If Members want to go into all of that, we will do that for them too.

We know that new members of the Cabinet must be approved by this House. Yesterday, the Taoiseach took over the responsibilities of the Minister for Foreign Affairs. As a sitting Member of the Cabinet, he did not need the approval of the House. However, if these five vacancies, including the vacancy in the ministry for foreign affairs, are to be filled by any one or more from those in the ranks of Minister of State or from the back benches——

Deputy Pádraic McCormack: Or the Green Party.

Deputy Caoimhghín Ó Caoláin: ——a formal motion must come before this House. We have the right to know when it is intended that this will happen, if that is the scenario that presents or is the Taoiseach on his way to the Phoenix Park to do what we have hoped for a long time?

The Minister for Foreign Affairs is scheduled to take Question Time in the House this afternoon. The Minister for Foreign Affairs is currently the absent Taoiseach of the day. Will the now Minister for Foreign Affairs take Oral Questions in this House this afternoon? Will the Taoiseach, Deputy Cowen, present to answer questions on foreign affairs matters?

It has been strongly suggested that the vote the other day was as close as 37 to 34——

An Ceann Comhairle: That matter is not relevant to the Order of Business.

Deputy Caoimhghín Ó Caoláin: ——which is a narrow majority. If that be the case——

An Ceann Comhairle: That is not relevant.

Deputy Caoimhghín Ó Caoláin: It is relevant.

An Ceann Comhairle: It is not relevant.

Deputy Caoimhghín Ó Caoláin: Has the Taoiseach been dangling out reward for support in his vote of confidence motion the other evening? We have the right to hear the truth in relation to that matter.

The Minister for Transport, Mr. Dempsey, confirmed that all of this was known and discussed over a period of two weeks prior to the Taoiseach's vote of confidence motion. Clearly, that is the question on people's minds today, not alone in this House but in the wider public. A more cynical exercise the people have never witnessed than what has unfolded during the past 24 hours.

An Ceann Comhairle: We will endeavour to conclude this matter. I call the Tánaiste.

The Tánaiste: Ministers will continue to discharge their duties until such time as constitutional matters have been complied with and the President has accepted their resignations.

Deputy Arthur Morgan: When will that happen?

The Tánaiste: I must refer Members to the Ministers and Secretaries (Amendment) Act 1946 which states: “The Taoiseach may from time to time assign a particular Department of State to a Member of the Government and may assign more than one Department of State to that same person”.

Deputy Brendan Howlin: Has he done it?

Deputy Alan Shatter: Has the Taoiseach done that?

Deputy Fergus O’Dowd: Has that happened?

The Tánaiste: Those assignments are not a matter for the House. The House is only informed of them. However, the matter of appointments is a matter for the House. As indicated, if and when those matters have been finalised——

Deputy Brendan Howlin: Has that power been exercised?

Deputy Pat Rabbitte: Is that the case?

The Tánaiste: ——the Taoiseach will come to the House.

(Interruptions).

An Ceann Comhairle: We have had enough.

Deputy Ruairí Quinn: Yes, we have had enough.

An Ceann Comhairle: Deputies, please. We have been discussing this for the past hour.

(Interruptions).

An Ceann Comhairle: There is business to be transacted in the House and we need to move on.

Deputy Bernard J. Durkan: On a point of order——

Deputy Fergus O’Dowd: On a point of order——

An Ceann Comhairle: I call Deputy O’Dowd on a point of order.

Deputy Fergus O’Dowd: Notwithstanding what the Tánaiste said about the President accepting or not the resignations of Ministers, has the Taoiseach accepted resignations received by him over night or this morning? This is the Parliament——

An Ceann Comhairle: The Deputy is getting in on the matter under the guise of a point of order.

Deputy Fergus O’Dowd: This is the Parliament of the people.

Deputy Brendan Howlin: This is the Parliament.

Deputy Fergus O'Dowd: Either this is a Parliament or it is not. We have been appointed by the people. Either the Government is accountable to the people through this Chamber or it is not.

An Ceann Comhairle: We have been over this ground for the past hour.

Deputy Fergus O'Dowd: I accept that. Can I ask the——

An Ceann Comhairle: The position has been outlined.

Deputy Ruairí Quinn: No, it has not.

Deputy Fergus O'Dowd: Has the Taoiseach received resignation letters from Ministers?

An Ceann Comhairle: The Deputy must find another way of raising the matter. I call Deputy Durkan.

Deputy Bernard J. Durkan: On a point of order, a Ceann Comhairle, you have indicated that you can only suspend the House when there is disorder. I respectfully suggest to you that there is ultimate disorder in this House now. Half of the Cabinet have resigned.

Deputy Pádraic McCormack: The other half is waiting to do so.

Deputy Bernard J. Durkan: All of them are missing——

An Ceann Comhairle: That is not a point of order.

Deputy Bernard J. Durkan: I am asking the Ceann Comhairle to determine what is disorder.

Deputy Alan Shatter: Where is the Taoiseach hiding?

Deputy Fergus O'Dowd: He is in his bunker.

Deputy Bernard J. Durkan: Is it not disorder that half the Cabinet is missing from the House this morning? It is rumoured they have resigned. The Tánaiste cannot inform——

An Ceann Comhairle: All of these points have been made during the past hour. The Deputy is engaging in repetition.

Deputy Bernard J. Durkan: The point I am making has not been made.

(Interruptions).

An Ceann Comhairle: I call Deputy Quinn.

Deputy Bernard J. Durkan: I am asking the Ceann Comhairle to restore order to this House.

An Ceann Comhairle: I am endeavouring to do so. The Deputy's co-operation in that regard would be helpful.

Deputy Bernard J. Durkan: I am asking the Ceann Comhairle to use his good offices to restore order to the House to enable the Taoiseach to come before the House.

An Ceann Comhairle: Some co-operation would be enormously helpful. I call Deputy Quinn.

Deputy Brendan Howlin: The Tánaiste wishes to come in.

The Tánaiste: I propose that the House adjourn until 1.30 p.m.

An Ceann Comhairle: Is that agreed? Agreed.

Sitting suspended at 11.40 a.m. and resumed at 1.30 p.m.

Termination of Ministerial Appointments: Announcement by Taoiseach

The Taoiseach: I wish to announce for the information of the House that the President, acting on my advice, has accepted the resignations of Deputies Mary Harney, Noel Dempsey, Dermot Ahern, Batt O’Keeffe and Tony Killeen as members of the Government. I advised the House yesterday of the resignation of Deputy Micheál Martin. I want to put on the record of the House my gratitude to each of them for their distinguished contributions to the work of the Government and the country.

The Minister for Health and Children, Deputy Mary Harney, has advanced a strategic approach to tackling the problems in our health services. She has done a first class job and shown extraordinary endurance and intelligence in dealing with our most challenging portfolio.

Deputy James Reilly: Let us live in the real world.

The Taoiseach: In her previous work as Minister for Enterprise, Trade and Employment and Tánaiste she made an enduring contribution to developing the economic base of the country.

Deputy Noel Dempsey has served this country well in a variety of portfolios. At the Cabinet table he was a straight talking and respected colleague, forceful in his contributions and a loyal supporter of Government decisions. His achievements as a Minister are many. As Minister for Transport he brought forward significant legislation and initiatives which have reduced the number of road deaths in Ireland, thus saving many lives.

Deputy Dermot Ahern has been a reforming Minister for Justice and Law Reform who carried out his duties with great ability and commitment to the public good. He, too, has many achievements, including the recent groundbreaking anti-gangland legislation. I also served with Dermot in the Governments of Deputy Bertie Ahern and saw at first-hand the strong contribution he made to the Irish peace process from its inception in his role as envoy for the UN Secretary General.

As Minister for Foreign Affairs, Deputy Micheál Martin has represented the country with distinction at home and abroad. I especially want to place on the record of the House my gratitude to him for the work he has done to bring further significant progress in the political landscape in Northern Ireland. The Hillsborough agreement last February opened a new and positive chapter for the people of Northern Ireland and Micheál’s political skills were crucial to that outcome. Deputy Martin is a politician of substance who have served the people extremely well in the Departments of Education and Science, Enterprise, Trade and Employment, Health and Children and Foreign Affairs.

Deputy Batt O’Keeffe has been one of my best friends in politics and in life. He is a politician of great wisdom, intelligence and loyalty. He has been a hard-working public representative for over a quarter of a century and he has come to a decision not to contest the next election. From our discussions I know he shares my assessment that there is a need to have more young people in Government as a necessary source of renewal and vitality in our politics. He has made a major contribution to the Government. As Minister for Education and Science he placed at centre stage the debate on how we are to resource our universities and institutes of technology to make them the best in the world. He embarked on radical programmes of school curriculum reform, including project maths. As Minister for Enterprise, Trade and Innovation

he ensured significant and tailored investment in the enterprise and innovation agencies which are now helping to drive export-led recovery. He turned a policy focus on commercialised research and set in motion the implementation of the report of the innovation task force.

It was my great pleasure to appoint Deputy Tony Killeen as the Minister for Defence in March last year. Although his time in the Department of Defence was brief, he was responsible for a number of significant developments. He oversaw the successful completion of the Defence Forces UN mission from Chad last summer and announced a new peacekeeping deployment to the Lebanon before Christmas. Overall, his was a wise and sensible voice at Cabinet during some of the most challenging times ever faced by an Irish Government.

I want again to express my attitude to each of the aforementioned Deputies and wish them well for the future. We in this House are all aware of the immense challenges each and every member of this Administration has faced in charting a way through some of the most difficult economic times since the foundation of the State. History will show that the Government has worked hard in the national interest to implement difficult but necessary decisions to help lead our country through an international economic and financial crisis, the likes of which we have not seen in over 80 years. The Government, under my leadership, has followed a consistent path to help stabilise the economy in the aftermath of the biggest downturn in modern Irish economic history.

Our budgetary strategy has helped to stabilise the economy and return it to economic growth. I understand that people are suffering and experiencing immense hardship because of the recession, which we deeply regret. It is incumbent on all of us in public office to put the interests of the country above everything else. Politics as usual should not be allowed to distract from the overriding priority of getting Ireland back on track. As I said previously, there will be a general election this spring but before that the Government has important work to complete.

The Government has obtained approval for its national recovery plan, providing for the proper funding of the State through the negotiation of the EU and IMF package. It will give us time and space to continue on the path of adjustment to restore economic growth and thereby create jobs. It will allow us to continue to bring our public finances back to order while providing necessary public services for our people. It is important in the weeks ahead that the Government gives legislative effect to the budget through the enactment of the finance Bill and other related Bills which benefit the people. There is nothing more important than doing precisely that.

In the interest of proper governance, I have decided to reassign the portfolios of those Ministers who have resigned. Pursuant to section 4(1) of the Ministers and Secretaries (Amendment) Act 1946, I am assigning their Departments as follows: the Department of Health and Children to the Tánaiste and Minister for Education and Skills, Deputy Mary Coughlan; the Department of Transport to the Minister for Community, Equality and Gael-tacht Affairs, Deputy Pat Carey; the Department of Justice and Law Reform to the Minister for Agriculture, Fisheries and Food, Deputy Brendan Smith; the Department of Enterprise, Trade and Innovation to the Minister for Tourism, Sport and Culture, Deputy Mary Hanafin; and the Department of Defence to the Minister for Social Protection, Deputy Éamon Ó Cuív.

From the outset, the main task of the Government I have led has been to secure the best interests of the nation in these challenging times. We have made hard choices and taken unpopular decisions, in the interest of the security and well-being of the people. I believe the best interests of Ireland demand that Government gets on with implementing the national recovery plan, by passing the Finance Bill and other legislation and that a new Government then receives a new mandate from the people at a general election. Until then, as Taoiseach, my priorities, along with those of my Government colleagues, will continue to be returning

[The Taoiseach.]

Ireland to recovery, creating jobs and restoring the public finances. It is my intention in due course to seek a dissolution of Dáil Éireann, with a view to a general election taking place on Friday, 11 March next. Prior to the general election, we are committed to enacting key pieces of legislation to secure Ireland's economic future.

I know that the Government's policies are returning Ireland to recovery and growth and I want us to get through the hard times and see the country prosper in the future. To do that, we need now at this crucial time to get on with the important work in hand. As Taoiseach, my focus today and every day until election day is on completing the work I have undertaken on behalf of the people to continue the process of implementing the economic recovery plan.

Deputy Enda Kenny: The unprecedented situation that arose this morning showed complete disrespect for this House and I welcome the fact that the Taoiseach has seen fit to attend at 1.30 p.m. to clarify some matters. It looks as if he and the Minister for the Environment, Heritage and Local Government, Deputy John Gormley, have, in a Laurel and Hardy situation, got themselves into another fine mess. The fact that no new Minister has been appointed is clearly because of desperation and fear on the part of the Government of putting it to a vote in the House. The fact that the Green Party is not represented in the Chamber at this time speaks for itself and the fact the Government is unable to fill the Front Bench speaks for the level to which the situation has descended. If I am correct, there are at least 20 Ministers and former Ministers on the backbenches, which is almost one for everyone in the audience.

I thank the Taoiseach for the clarification that we are to have a general election on 11 March. What is the timescale the Taoiseach envisages now for the Finance Bill? He set out a time schedule previously and I wrote to him yesterday indicating we could deal with it earlier and still give it the same amount of Dáil and committee time. Does the Taoiseach intend to adhere to the original timescale or will there be a new timescale? Does he intend that the Climate Change Bill, which is so important for the Green Party, will be completed before that date also?

It is always a matter of great pride for people to be appointed as Ministers and to serve in Government. For a variety of reasons, this Government has run its writ. I wish those who have served in Government well for the future. History might be kinder to some of them could it flip over some of the Departments they have held. I look forward to the coming campaign so as to spell out to people our perspective and view of the kind of Ireland we should have, the potential of our people and the consequences of real change, through leadership from the front that will engender motivation, spirit, confidence and hope in our people and bring about a resolution of the situation in our indigenous economy which is so dispiriting for so many. At the end of the process, on 11 March, the people will have their say and will decide what kind of Government they want to represent them for the future.

If we were disruptive here this morning or if, as in the Ceann Comhairle's words, there was "gross disorder", at least it has now brought finality, a conclusion and clarity to something the electorate has wanted for a long time. I hope the fact the Taoiseach has attended the House and clarified the position restores some sense of authority, respect and dignity to the House. To whoever stands, in whatever capacity, for whatever party or none, the next few weeks will be of critical importance. For our part, we will set out our stall as to how we believe we can get Ireland working again.

Deputies: Hear, hear.

Deputy Eamon Gilmore: On a personal level, I wish the Ministers who have resigned from office the best for their future. Today is not a day to dwell on their political legacy or their contribution to Government.

I welcome that at long last a date has been set for the general election. Since the Green Party announced that it was withdrawing from Government in November, I have been making the point, and made it very clear prior to Christmas, that the Labour Party would not tolerate a situation where Fianna Fáil attempted to cling on to the reins of office month in and out. Finality and certainty had to be brought to the situation and this has now happened. I would have preferred if the election were at an earlier date, but it is 11 March, and we must now concentrate on the future and on restoring some hope and confidence to the people.

I regret that the Taoiseach has handled matters the way he has. The announcement he has just made is one that could and should have been made this morning, which would have avoided the chaos we experienced here earlier and the damage that has been done to the country due to the sense of disintegration that prevailed throughout the morning. I wonder why it happened this way. We knew that some of the Ministers who have retired had announced already that they were not contesting the elections although there may have been some surprise with regard to the intentions of others.

I wonder why, in circumstances where we will now have an election on 11 March, it was necessary for them to resign their ministerial office today and why it was necessary for them all to do so on the one day. The answer is clear. The Taoiseach attempted a stroke and it backfired. The Taoiseach attempted an arrangement which would have involved the appointment of new Ministers, in an attempt to prolong the life of his Government, but the whistle was blown on that. As a result, he has now ended up today as a Taoiseach without authority who no longer, it would appear, has the authority as Head of Government to do the most essential thing a head of government does in a democracy, which is to appoint the members of his Government. That is the consequence of the way in which he has handled the situation today.

From here on, we must concentrate on moving the country forward. The country and its people have come through hell and fire over the past couple of years. What was a good economy has been turned around. We have ended up in hock and with disastrous decisions being made by the Government as a result of the decisions made on banking. Many people have lost their jobs — 300,000 in the course of this recession — young people face emigration, people fortunate to be in work have seen their pay packets diminished through taxes and levies and people who need essential services must wait for them.

We need to restore hope and confidence in this country. The country has a great future and its best days are ahead. A young man I met in a shop this morning said to me, “Mr. Gilmore, I have never been interested in politics, but I cannot wait to vote”. People cannot wait to bring about the political change that will release this country’s energies, restore hope and confidence and continue the urgent job of recovery, thus getting back people back to work and fixing a system that has been manifestly broken.

Deputies: Hear, hear.

Deputy Caoimhghín Ó Caoláin: Tomorrow is the 92nd anniversary of the first meeting of Dáil Éireann. I have no doubt that were those who convened in the Mansion House on 21 January 1919 to see what is unfolding today in this House, they would feel ashamed. There can be no question but that what the Taoiseach has just read into the record of the House was not what he, when he got out of bed this morning, intended to read into the record today or next Tuesday in terms of replacements for the list of resignations announced. There is no question but that it was not the Taoiseach’s intention to further burden his team of Ministers with the additional responsibility he has now placed on their shoulders. I doubt any of them is thanking

[Deputy Caoimhghín Ó Caoláin.]

him. This further responsibility, in an already difficult time, must surely be the last thing in the world they needed.

There is no question but that the orchestrated series of resignations were definitely in the context of what I stated in this House earlier this morning, namely, the elevation of others from within the ranks of Fianna Fáil to Front Bench positions requiring the approval of the Dáil for all of those not already Cabinet Members. That is the reason the Taoiseach has fallen back on this scenario. The Green Party's absence speaks volumes. It speaks louder than does anything else at this moment in time. The Green Party was clearly not up for this and believed this was the straw that would break the camel's back and indicated so to the Taoiseach. That is the reason for the scenario just announced by the Taoiseach. Perhaps the Taoiseach will say if the resignations of those Ministers of State who are not standing in the next election are to hand.

The latest ESRI report indicates that approximately 1,000 young people will each week over the next two years leave the shores of this island. Some 100,000 people are expected to emigrate from this jurisdiction.

An Ceann Comhairle: The Deputy is going off on a tangent.

Deputy Caoimhghín Ó Caoláin: That is the projection of the conservative Economic and Social Research Institute. That is a damning indictment of this Government. We have a lame duck Taoiseach with a lame duck Government in terms of the Cabinet on which he will be depending in the remaining weeks of this Government. It is good that the announcement in regard to the election has now been made. I welcome that we now have a date for it. All I can say in its favour is that in selecting the date of 11 March the Taoiseach has at least allowed many young people the prospect and opportunity of directly participating in the election as that date falls on a Friday.

I remind the Taoiseach that constitutionally he would have been able to go to the park today. Rather than wait until 11 March he could have brought the election forward to 11 February. Three weeks from tomorrow was within the scope of what is statutorily required to give notice and allow the election to proceed. That was the announcement the Taoiseach should have made today.

The Taoiseach: If I may, I would like reply to some of the assertions that have been made. As outlined in my statement to the House, I believe it is essential for the country that we proceed with publication and enactment of the Finance Bill 2011.

Deputy Kenny inquired as to the revision of the scheduling in that regard. Second Stage of the Bill will be taken next week and subsequent Stages will be taken in subsequent weeks. While Fine Gael's suggestion was not realistic, we have sought to accelerate enactment of the Bill, consistent with proper consideration of the Bill, so that we could arrange for the holding of the election on 11 March. Members will be aware that the expectation was that the election would be held in late March or early April. Therefore, bringing back the schedule enables this to happen on 11 March.

In response to Deputy Gilmore's points, there was no question of me, as Taoiseach, engaging in any sort of stunts. What is involved is that Ministers have resigned because they believe it important they do so as they will not be accountable for the actions of Government at the holding of the next election. They are of the view that they should in those circumstances resign and have also given their own reasons in their resignation statements and subsequent commentaries and interviews. Members will also be aware that under the Constitution the

Taoiseach has the prerogative to appoint Members to his Government. Therefore, arising out of the resignations the question of assignation, reassignation or appointment arises.

Uniquely, in respect of newly appointed Ministers, it is intended that they will derive no personal financial benefit from their promotions and that there would be no extra financial burden placed on the State as a result of such appointments. The end result has been a reassignment of the appointments. I believe a cynical view is the idea that people who would not be standing should remain on in office. That is the view of those who have decided to resign. I believe it would be far better that the Government, in this case new Fianna Fáil nominees to Government, would be made up of people who are in a position to go out and defend, advocate and set out with vigour and determination the position of Fianna Fáil in government over the past three and a half years.

Members will be aware that the convention of coalition Governments has been for respective leaders of parties to have the power to nominate and appoint nominees to ministerial posts. That has been the convention of every coalition Government here. I contend that by asserting my authority as Taoiseach I am enabling people to consider all parties on 11 March, all of whom will be competing for and not walking away from power. The sovereign will of the people will be determined by spokespersons, and in this instance Ministers, who have the authority and ability to put the case that must be put in the aftermath of the crisis of the magnitude with which we have had to contend and the plans we have set out——

Deputy Róisín Shortall: What happened to that plan?

The Taoiseach: ——which we believe help it confront and overcome. That is the issue as far as I am concerned. I challenge the politically correct view that suggests that it was a stunt; far from it.

(Interruptions).

An Ceann Comhairle: The Taoiseach without interruption, please.

The Taoiseach: I am giving my view.

Deputy Emmet Stagg: What about the Green Party?

The Taoiseach: This election is about the future of this country.

Deputy Alan Shatter: Yes, not the future of Fianna Fáil.

Deputy Brendan Howlin: The Taoiseach should go to the park.

The Taoiseach: We have people who have the talent and ability to put that case and to put it vigorously and with determination. That is my strong view.

Deputy Brendan Howlin: The Taoiseach should go to the park.

Deputy Aengus Ó Snodaigh: Yes, go to the park.

The Taoiseach: As I stated, the convention of coalition Governments has always been on that basis.

Deputy Róisín Shortall: The Taoiseach does not have the authority to do it.

Deputy Alan Shatter: The Taoiseach does not have the authority to do it.

An Ceann Comhairle: Deputy Shatter, please allow the Taoiseach to continue without interruption.

The Taoiseach: In the event of there not being majority support for such nominations, I am reassigning those portfolios to existing colleagues in the Government.

Deputy Emmet Stagg: When in Government.

The Taoiseach: On 11 March, following enactment of the Finance Bill 2011, we will go to the country with a strong Front Bench line up that will put the case of this party to secure the future of our country and to stay with the policies which will bring us success.

I will not back down from such a challenge now or in the future.

An Ceann Comhairle: That concludes statements under standing Order 43 and we now move on to No. 19——

Deputy Alan Shatter: On a point of order, it is a tradition in the House that on an occasion such as this the leader of each party makes a contribution. I am wondering whether we are going to hear from Banquo's ghost. I wonder will the leader of the Green Party or his sidekick——

An Ceann Comhairle: The Deputy should resume his seat. We are moving on to No. 19.

Communications Regulation (Postal Services) Bill 2010 [Seanad]: Second Stage (Resumed)

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

Deputy Olivia Mitchell: In these dying days of the 30th Dáil, I welcome the opportunity to contribute to the debate on this Bill because the issue it addresses has been on the agenda for as long as I have been a Member, which is 13 and a half years. I welcome the Bill. It has two main parts, which are the deregulation of the remaining protected segment of the postal market and the provision for the introduction of postal codes. Both measures are long overdue and are welcome.

Most people recognise that they were coming, although Members in both Houses have expressed various concerns, one of which is the belief that there is a hidden agenda behind the introduction of competition into the remaining closed sector of the market, which relates to the 50 g letter. Others expressed concern that even if no harm is intended to the existing role of An Post, there may be unintended consequences. In remote parts of the country, as a result of the introduction of competition, there is concern people will not get post. This will be dealt with by designating An Post as a universal service provider for seven years following enactment of the legislation. ComReg has been nominated as regulator and it is up to its staff to ensure the seven year term is enforced.

Following that period, the service is not guaranteed. Perhaps there is justification for people's concerns because one would wonder why a provision for what will happen after the seven year term is needed as nobody knows how the postal market will evolve over the next while, given communications are changing at such an enormous rate. However, if the regulator does its job, there should not be concern about this matter.

The closure of post offices is an issue and people are worried that the social service role they play, particularly in remote areas, may be lost. This is probably an unnecessary concern because the deregulation of the 50 g letter service will not result in the introduction of competition and, therefore, the Bill will not have an immediate impact on the number of post offices. However,

it is possible that competition in the future could result in greater efficiencies, which could result in the reduction in the price of a stamp, which is the purpose of the legislation on the one hand. It would be good for the economy and for jobs but it might preclude the subsidisation of uneconomic post offices, which are being subsidised currently by the stamp regime.

There will not be a significant increase in competition in this sector but post offices play an important social services role in rural areas. It is a tribute to An Post that it has succeeded in being a profit making organisation and a postal service provided on the strength of a regime based on the 55 cent stamp. I question whether it is the role of a post office to provide a social service but, as there is no alternative, I understand people's concern that this role could be lost without an alternative being put in place.

There is concern among An Post workers and those operating in the wider postal services market that snail mail is being replaced by electronic mail. That has been going on for a number of years and alternative roles such as the provision of banking facilities have been sought for An Post in an attempt to maintain the post office network throughout the State. Letters will not disappear but they will become less common.

In the past ten years we have seen a significant drop in the number of letters. As a public representative it is amazing to see the difference in the amount of post coming in the door compared to what it was ten or 12 years ago. Nevertheless, as one door closes for An Post and postal services, another one opens. I refer to parcel mail which is a significant growth area. An opportunity is generated for An Post by the growth in online shopping, which is definitely the next big thing in the retail business. In fact, it is here already. I was amazed speaking to young people over the Christmas who scarcely visited a shop to buy their Christmas presents. I am not sure the shops would be too happy about that. Every present was bought online and delivered by DHL, An Post or whoever. There is an opportunity for An Post to get involved in that area. If An Post is to survive and prosper it must capitalise on the opportunities the growth in parcel post present. It must gear up to compete with the other providers that are already in the parcel market. There are considerable giants in the market already. Nevertheless, it is a natural job for An Post and it is well placed to step up to the mark in that regard.

It is crucial that An Post remains competitive from the point of view of its survival, ability to prosper and for it to continue as the major player in the market. There will be fewer letters but they will remain a significant and important part of the market. Post also has an important jobs element which is sometimes forgotten. One thinks only of the postman but there is so much else involved in delivering a letter once it has been posted.

I wish to comment on the wider postal market, the downstream services, postal providers who are licensed to provide postal services in the processing, printing and packing of letters which they then buy the services of An Post to deliver. That is a significant jobs market. It is important that those jobs are not lost to this country. There is a practice in An Post at the moment which I am sure other speakers have raised, namely, of charging less to overseas providers of the service than it does to Irish providers. The result is that batches of letters that originate in this country are bulk dispatched overseas to be processed, printed, packed and sent back to be delivered by An Post because An Post is offering a cheaper rate to Royal Mail, Swiss Post or the French postal service than they offer to Irish providers of the service. It is madness to allow a semi-State organisation to do that. It is losing jobs to this country and it is inefficient from an environmental perspective. I invite the Minister, Deputy Eamon Ryan, to pay attention. The two Green Party members do not appear to be desperately interested in the debate. The situation is highly undesirable from an environmental point of view. As well as that An Post maintains it loses money on providing the service to overseas providers. It is difficult to understand why it pursues such a policy. I will submit an amendment on the matter.

[Deputy Olivia Mitchell.]

Jobs are being lost to this country and the matter must be rectified. This is a highly anti-competitive measure from the point of view of a Bill that is concerned with introducing competition into the market. I refer to the segmentation of the market and charging a different price to local providers than others. The competition issue must be examined. I urge the Minister to consider the amendment favourably.

Another concern relates to the provision for burden sharing. This is the mechanism whereby in the event of the universal postal service provider designation becoming unsustainable from An Post's perspective, other providers in the market would in some way subsidise it. I understand the thinking behind the measure but the reality is that, first, the opening up of the market to the 50 g letter will not result in new entrants but, nevertheless, An Post is well able to compete as it has the network, expertise and experience of the market which nobody else has and has had a long-standing monopoly and, therefore, it should be able to outperform any newcomers into the market.

The fear of cherrypicking in urban areas has been mentioned by others. The suggestion is that a provider would move into a discrete market, for example, Athlone town, and that it would seek to do the easy job where housing density is concentrated. The reality is that such activity should not be a threat to An Post which has had a long-standing monopoly and has all the expertise and experience and would be well able to undercut new entrants into a small part of the market and see off competition. That fear is not justified.

As a commercial semi-State company offering universal service provision An Post has succeeded in meeting all of its costs to date from its own resources based on the 55 cent stamp. I do not see why that would change in the future. My worry is that the insertion of the provision for burden sharing, should An Post find itself unable to continue in its role, could cause the foot to be taken off the pedal in terms of ensuring efficiency within the company. That is a natural human reaction. If one feels someone will pay one for losses incurred, one will not be fully motivated to achieve all efficiencies possible. The reality is that instead of burden sharing it becomes just a subsidy for inefficiency. I do not say that will happen but there is a danger attached in having the cushion as offered in the provision outlined.

I am also conscious of what happened in the health insurance area where there was an attempt to introduce burden sharing. The measure was challenged in the courts and the challenger won the case. I wonder why it was necessary to put it into the legislation. If An Post were to find itself under such intense competition that it could not continue to provide a service, the Government of the day would have to consider what could be done to ensure there was a service. The point of introducing competition is that there would be competition, not that individual firms would be supported by other firms. While I understand the reason the measure is in the Bill, it is not in the public interest and probably not in An Post's interests either in the longer term.

My final point relates to the introduction of postcodes. We have been talking about them for a long time. I am delighted to hear that it is happening. I believe the scheme is due to go out to tender soon. I fully support the concept. It is absolutely essential, in particular for parcel post, which is the next big thing. Whatever about having a postman wandering around trying to deliver a letter, who might have local knowledge, it is not acceptable to have vans driving up and down laneways looking for the correct Mrs. Murphy for the delivery. I welcome postcodes. People seem to have a fear of them on the basis that they might be targeted for marketing purposes. We are targeted for marketing purposes anyway so we might as well be targeted for something in which we might have an interest.

I favour the use of a global positioning system, GPS, for the postcode system. The GPS uses latitude and longitude. I refer to it because I understand it is not the system An Post favours and it may not be what the committee has recommended either. However, whatever system we use must stand the test of time. To choose one that happens to suit the incumbent does not represent good, long-term thinking. I call on the Minister to consider something that will stand the test of time. The Minister must recognise that technological advances are ongoing and that technology has changed dramatically since the system An Post favours was first recommended and since the committee's recommendation, which is relatively recent.

I realise the An Post choice may suit its current system but I do not believe it is the best system in terms of international best practice. We should not base any system on arbitrary lines on a map, which constitutes the postal system at present, because lines on a map may change. Presumably, at some stage, we will begin building more roads and there will be changes. The topography and the face of any mapping area may change but latitude and longitude will never change. The system is fool-proof as well. It is of great benefit to the emergency services, which are able to find a caravan on the side of a mountain or anywhere. It is always fool-proof and never changes. Also, it is value-free, which is not the case with the current postal service. Having Dublin 4 after one's address may add several million euro to the value, although no longer billions. However, it adds value to one's property.

When An Post moves to a postal system based on the current lettering, which is apparently what it plans to do, there will be war because in many cases people do not live where they believe they live. In my constituency, some people believe they live in Dublin 16 but, in fact, according to the An Post sorting system they are living somewhere else.

Acting Chairman (Deputy Charlie O'Connor): I understand that.

Deputy Olivia Mitchell: That is only one example. There are dozens of others where the system will be fought tooth and nail if it is based on the current lettering and numbering in Dublin.

The introduction of a system which is completely valueless and whereby it does not matter or people do not know whether one lives in L, X or Y78, would be far better. It would break away from the system which makes one area more desirable than another. We should consider using a GPS based on latitude and longitude from this point of view as well.

I welcome the Bill and I am pleased to have had the opportunity to speak on it. I will submit an amendment related to the possibility under the current system that we are losing jobs to other postal services and countries. This matter must be examined.

Acting Chairman (Deputy Charlie O'Connor): The next speaker is Deputy Mary O'Rourke, followed by Deputy Michael D. Higgins.

Deputy Mary O'Rourke: I apologise because I had thought the rírá in the Dáil would continue for a good deal longer. I realised I was due to speak next but, thankfully, by the time I came from the bowels of the LH 2000 building, my colleague, Deputy Mitchell, was here to speak. I am pleased to speak on the Bill. I am looking at the Minister and I wonder will he get this through? Will it go anywhere? Will there be Committee Stage? Is anyone interested in Committee Stage?

Deputy Olivia Mitchell: Yes.

Deputy Mary O'Rourke: Deputy Mitchell already has an amendment. Much will depend on what I hear from the Minister at the end of the Second Stage debate. Does the Acting Chairman know whether Second Stage will finish today?

Acting Chairman (Deputy Charlie O'Connor): No. If I were to follow the schedule before me, it will not be today. It appears this debate will continue beyond 3.30 p.m. Since the debate will adjourn today, it will be held again another day. I trust that is helpful.

Deputy Mary O'Rourke: Then it will have to go to Committee Stage. I understand this is the last stage of liberalisation. In my day as the Minister for Public Enterprise, I introduced the original liberalisation from Europe. I understand there have been two stages along the way.

I was interested in the information we received, which is knowledgeable and concise. It states that since 2002 there has been no drop in domestic mail, which amazed me. The Minister is shaking his head but that is what is written in front of me.

Deputy Eamon Ryan: In the past three years there has been a significant drop. This was probably compensated by the rise in earlier years. Unfortunately, however, in the past three years there has been a drop of approximately 20%.

Deputy Mary O'Rourke: It has stabilised somewhat. We were informed that once liberalisation started and technological changes were introduced, it would mean that the people would no longer write or post letters. I wish to speak on this point. Naturally, we all receive e-mails, sometimes up to 20, 30 or 40 per day. People should try answering those. Previously at least, one had the luxury of opening a letter, reading it and thinking about how one would reply to it. Now, correspondence comes by e-mail and within one hour one receives a call seeking a reply to the e-mail or one receives a second e-mail in which the strident demands are made again. Somehow, people who send e-mails believe that the person to whom the e-mail is addressed has all the time in the world to examine and reply to it in depth and at length. None of the technological advances, including facsimile, e-mail, text messaging or telephones, will ever take away the need for letters by mail and, I plead, they never should. There should always be room in a person's life and in his or her daily communications with people to sit down with a sheet of paper and pen and write a letter.

I recall when I was teaching in secondary school in Athlone. The formation, writing and addressing of a letter was always a fine thing which one taught one's pupils. However, there is a mystery to the written letter. Naturally, I will appear hopelessly old-fashioned and, no doubt, the Minister will ask where I have come from. I come from a large town in which there is a good mail service. There is a mystery and intimacy to the written word. How can an e-mail be intimate? I am unsure whether it comes through cyberspace or elsewhere. However, it is there, naked for everyone to ponder upon. However, a letter is sealed, has a stamp on it and it has an address.

Deputy Michael D. Higgins: Sealed with a loving kiss.

Deputy Mary O'Rourke: Yes, perhaps. However, the Deputy should be aware that it all depends from whom it comes. No doubt in the months ahead, Deputy Michael D. Higgins will be sealing many such letters with a great many kisses. I recall when my sons were in college and the pleas for money would be made. I used to sit down and write a letter agreeing to send money but asking what it was being spent on and whether they could give an account of themselves. The romance of the post is significant. I do not mean romance in a love sense but rather the work of the post.

Generally speaking, I am aware of where the Minister, Deputy Ryan, lives. Clearly, it is in Dublin South. However, I am unsure if he noticed, as have those of us in rural Ireland, that during the time of the severe snow and frost, there was not one day when the postman did not come to my door. He would ring the doorbell if there was a large package that would not fit.

He talked to me and I to him. I realise this may sound fey and silly but it is not. It is an intrinsic part of people's lives to receive and send mail. I realise the universal service obligation is being underpinned for seven years to allow it to continue if it is not paying its way. What will happen after that? For example, I have no doubt we will not be able to deliver to Valentia Island. The competition will not deliver up to the Geevagh Mountains in County Sligo. They will take the new smart postcodes and deliver to those areas at a manageable rate. What, however is to happen, to rural Ireland? Seven years is a long time. What will happen after 2018 if An Post finds it cannot sustain the costs of delivering to rural areas? It used to be An Post's proud boast that up to 76% of all letters were delivered within 24 hours.

Deputy Eamon Ryan: There have been significant improvements in the 24-hour delivery rate. It has gone up to over 85%.

Deputy Mary O'Rourke: That is excellent. I recall the great chief of An Post, Mr. John Hynes, telling me when I was Minister with responsibility for the postal service that the rate was over 90%. Something in my head always told me it was not. It was probably the nice thing to say to the Minister as it would keep her quiet for a while.

There is still a great degree of certainty that if one posts a letter in Dublin, as I had to do today to a constituent in Castletown-Finea, County Westmeath, it will be received tomorrow morning. It is powerful that a letter from the capital can still be delivered to the heart of rural Westmeath personally, cheerfully and with one-to-one interaction.

The Minister knows An Post union members are concerned that the universal service obligation will go the same way as those in other countries that liberalised their postal services. Will the Minister publish an itemised table of those EU member states which have liberalised or are in the process of liberalising their services and the number of job losses in their respective companies? An Post workers' unions have informed us that they are determined there should be no job losses. They claim the job losses in other countries have been horrendous with a decline in services and standards.

I must admit I like the new uniforms for An Post workers. I saw their show of them with the new Bermudas and lengths. In Athlone they have not started to wear them yet, however. I assume they are waiting for this legislation to be passed. My main concern is that after the seven year introductory time passes, it will be decided that Valentia Island, for example as I go there on my holidays, will get its delivery only every second or third day. Will there be a decline in delivery times in isolated rural areas?

While I accept we cannot keep technological advances in communication at bay — like King Canute keeping back the waves — I do not want to see a watering down of the universal service obligation that ensures a modern, sophisticated and useful postal service making daily deliveries. I assume every other member state has its equivalent of ComReg funding the maintenance of the universal service obligation.

Will post codes be rolled out across the country?

Deputy Eamon Ryan: Yes, they will be rolled out across the whole country.

Deputy Mary O'Rourke: That is good. We in the country will be just as posh as all those who live in Dublin 2, 4, 6, 8, 10, 12, 14, 16, 18, 20 and 22.

Acting Chairman (Deputy Charlie O'Connor): The Deputy should not forget where I live — Dublin 24 and 6W.

Deputy Leo Varadkar: Those post codes are all very posh.

Deputy Mary O'Rourke: I sometimes buy books through Amazon and it is a powerful service. Deputy Olivia Mitchell referred to other online stores that deliver to homes. More and more people use online shopping which provides a business opportunity for An Post if it is smart and snappy about taking it up. I am sure it will as there is a good strategic management team in An Post. Before the Minister, Deputy Ryan, departs this hallowed Chamber soon, will he provide the information on the liberalisation experience in other EU member states, particularly those with similar topographies and geographical spread to that of Ireland?

I thank the Minister for attending the Chamber on a day of great turmoil. No one has copped that it was on 20 January 1987 that the Labour Party pulled out of the then coalition Government. On the same day 24 years later here we are again. I was always intrigued because Gemma Hussey, for a brief period, held three ministries. Ministers in this Government will be doing the same double-up job. I was also glad the Taoiseach said they will get no extra money or entitlements for doing this. However, I am sure they would prefer to be in their constituencies and not dripping with ministries to which they will have to give a measure of attention. I noted the events of this date recently when I was researching materials for my book. It must be an affliction date that has lingered on since 1987.

Acting Chairman (Deputy Charlie O'Connor): I hope Deputy O'Rourke's book will mention all the letters she and I have exchanged over the years.

Deputy Eamon Ryan: And the kisses too.

Deputy Mary O'Rourke: We have had wonderful correspondence.

Acting Chairman (Deputy Charlie O'Connor): I still have many of them at home.

Deputy Mary O'Rourke: Good.

Deputy Michael D. Higgins: I wish Deputy O'Rourke every success with her book. I have no doubt there will be an entire chapter that will cover the day on which she hit the bell and announced the privatisation of Eircom and the disastrous consequences which flowed from this.

Deputy Mary O'Rourke: There will be a chapter all about the matter and it will contain the truth. I will not provide a polished up version such as that which Deputy Higgins might seek.

Acting Chairman (Deputy Charlie O'Connor): Deputy Higgins should proceed with his contribution.

Deputy Michael D. Higgins: It will make for fascinating reading for people who are awaiting the arrival of the postman.

Acting Chairman (Deputy Charlie O'Connor): If Deputy Higgins addresses his remarks through the Chair, the Chair will do its best to protect him.

Deputy Michael D. Higgins: I thank the Acting Chairman.

I wish first to put a question of an administrative nature to the Minister, Deputy Ryan, regarding whether he has permission from the Cabinet to accept amendments to this legislation. The issue of whether he has such permission has an impact in the context of whether Second Stage will be agreed. The Labour Party's spokesperson, Deputy McManus, has already indicated her position in respect of Second Stage and stated we will be tabling amendments on Committee Stage. It is important, therefore, that we should be aware of whether the Minister is open to accepting such amendments.

Deputy Eamon Ryan: I accepted a number of significant amendments in the Seanad. I am always open to accepting amendments. However, I will not be in a position to answer the Deputy's question until certain of the amendments to which he refers have been tabled. Our actions in this regard obviously will be also subject to time limits relating to Dáil business.

Deputy Michael D. Higgins: I appreciate that. However, the Minister will appreciate that there are some Ministers who have set their faces against ever accepting amendments while there are others who have accepted them. I was merely seeking clarification in respect of this matter.

I wish to comment on a number of the principles underlying the Bill. The Minister is aware that I have great respect for him. I do not say that just for the sake of being polite. I previously served as Minister for Arts, Culture and the Gaeltacht and I had responsibility for broadcasting. I also worked in the area of communications. On foot of my experience in these areas, I wish, therefore, to make a few points.

My first point relates to the background to the legislation, which involves the implementation of the third phase of liberalisation in respect of postal services. In many ways, the legislation makes it possible for the Minister to introduce a system of regulation which may or may not defend certain principles. We must deal with such matters in general on Second Stage before discussing them in detail on Committee Stage.

In the background to the legislation there is a suggestion in respect of the balance between a liberalised market and the principle of universality. I wish to comment on this matter in the context of the concept of the universal service obligation. I agree with the sentiment expressed by Deputy O'Rourke to the effect that it is every citizen's right to receive post. This is important in a number of different ways. It is certainly important in a European sense. The discourse engaged in during the evolution and adoption of the various European treaties has frequently returned to the concept of social cohesion, that is, the ideal to emerge would be a Europe of the citizens which would be inclusive and so forth. The greatest failure of the European Union — in the various statements made by Jacques Delors and his successors — has been its lack of success in making contact, in the context of a genuine sense of inclusion, with all of its citizens.

Social cohesion is important. If an unrestrained, liberalised version of the market is created in the absence of such cohesion, an underclass is created and this is added to the existing levels of poverty. In turn, this breaks down into different social categories which include the aged and the poor in particular. As a result, a kind of exclusion that is dangerous in the context of the entire project relating to Europe is created. The notion, therefore, that every system should have the right to communicate through the postal system is neither sentimental nor old fashioned. It is, rather, practical, particularly in respect of building a Europe that includes all of its citizens.

What we are about here is also illustrative of the failure of citizenship to be delivered as a concept within Europe. We must consider, with extreme care, how we implement directives. I will develop my point in this regard further in a moment. I was not merely seeking to score points when I referred to the disastrous decisions taken by Deputy O'Rourke, when serving as a Minister, in respect of our telephone system. The Deputy cleared the way to allow gangsters to sell a company that was providing a State service over and over again in a way that scandalised everyone. Media commentators at the time suggested that the thing to do was to get in and get out quickly. Those who came in first after the flotation of Eircom were gone again after a few weeks and they made a killing. Many of them are very well known. I am merely highlighting what happens when one takes a State resource or network, transfers it to the market and invites citizens to purchase shares. In the case of Eircom and in the terms utilised

[Deputy Michael D. Higgins.]

in the highly greedy period in this country's history which is just now coming to an end, everybody "got a piece of the action".

Let us look to the future and respond to the circumstances I have just described. I will not make many more contributions in this House. However, I recall that at the beginning of my political career I often referred to the effect of the closure of the railways on society. In the area in which I was reared in County Clare there was a small railway station. When this was closed, the elderly people who used to sell daffodils and eggs in the markets in Ennis and Limerick — the kind of activity in which members of the Green Party would be interested and I applaud them for that — were suddenly confined to their homes. They were informed that they could travel a couple of miles in order to catch the bus. However, the bus service in question eventually fell into disuse. As a result of the closure of many of our railways, many elderly people in rural areas — particularly elderly females — found themselves increasingly isolated. Those are the facts.

In the context of seeking to get matters right, there are areas in which it is appropriate that the market should provide choice and cost-effective services — by means of encouraging competition — to the citizens of Europe. If Europe is to be meaningful, citizens must be capable of being connected through every means of communication. The Minister noted that the provision of broadband is a matter for the private sector. When the issue of connectivity was discussed in Denmark, the authorities there decided to do it the other way around. The Danes chose a model whereby citizens would be connected in a general sense in the first instance in the context of schools and basic essential services. It was only thereafter that the market entry point was created. That is the way Denmark proceeded. It created a right of communication and instead of opening up a new divide in respect of information technology, proceeded in the direction of inclusivity.

I oppose the notion that State services are somehow inferior to those provided by the private sector. Previous speakers referred to the points made by the Communications Workers Union, which represents 10,000 people who are employed in the postal service. The points to which I refer are not unreasonable. I agree with Deputy O'Rourke that there is a need to be specific in respect of the universal service obligation. I will not delay the House in rehearsing examples — such as those relating to the VHI, etc. — of what has happened to the health service. How is the universal service obligation to be funded? It has been suggested that the entry of people into certain parts of the market will generate a form of income which will, in turn, make the universal service obligation practical. Does this suggestion constitute plan B? It has been also suggested that An Post will carry this obligation — in the absence of specificity in respect of funding — for seven years and that a review will take place at the end of this period to discover if another entity can be considered in the context of assuming responsibility for it. I am not requiring the Minister to agree with me and I am quite used to being in a minority for most of my life in regard to this thinking. There is not the slightest evidence that markets are rational or inclusive, and practically no evidence in regard to the communications area that markets are necessarily efficient.

Deputy Eamon Ryan: If I may intervene, I saw an interesting comment recently in a book on rational optimism which made a distinction in regard to what the Deputy is saying, namely, while markets in assets are inherently irrational and unstable, markets in goods and services tend to be reasonably stable and reasonably rational. I do not know if the Deputy would agree with that distinction regarding his general comment.

Deputy Michael D. Higgins: I agree, and I wish this kind of dialogue could happen more often. I am well aware of the difference between the irrationality of markets in assets. We

could have added the total irrationality of markets in virtual assets such as those which have brought the banking system to its knees and brought our economy to the point at which we have lost economic sovereignty. Equally, this is quite disputable in regard to services.

I have examined that literature. We had this argument before. For example, the Minister knows I have a view that agrees with him in regard to the importance of public service broadcasting. I served as Minister in Europe where I saw that concept of the universal right to tell one's own story under attack from one Minister after another. It was led by people who had a right-wing ideological position. These are important words. There are people who say not everyone is important. Deputy Mary O'Rourke gave the example of the lady waiting for the postman to deliver a letter up a country road. That is important. If one says the delivery of letters is something to be judged primarily by market viability, one is rejecting the fundamental principle that the citizen's right to be in contact with one's society is the most important principle.

In so far as we have become a little academic about the issue, I want to make two points. Mr. Jürgen Habermas, to whom I have referred, has written a new book, *Europe: The Faltering Project*. He makes the point that again and again people in Europe are being asked to be bound by decisions promoted in a discourse in which they have no part. This is the whole point about majoritarianism in society, about which one would think the Green Party was sensitive. It is isolated, elderly people in remote rural areas and so forth who, while they do not have the same social power, should have the same communicative power. One either has a theory of citizenship guaranteeing the right of every citizen to be in touch with their society or one does not.

I have written about this issue elsewhere. I noted that some people in advocacy groups involving the elderly think they have won when they have come as far as the point of legislation. If one wants to make a real change, one has to look also at the point of administration and how the decision is in fact implemented. These citizenship ideals are particularly important in a State that calls itself a republic. Therefore, we need to hear very clearly that while we are implementing the third phase of the directive, we are doing so because we want to have regulation and want to be able to protect certain values, including the values people like myself identify in regard to citizenship.

We should also undertake social impact surveys, not only in regard to what happens if the service changes for those who depend on it but also for those who deliver the service. It is important, for example, that the people who have developed an ethos as the postmen and postwomen who have been trusted over generations will not be replaced by casual workers who do not come from the same ethos. Therefore, the Minister must give the guarantee on the universality of the service, show the funding mechanism, show the human content of how it will be delivered and then develop a contingency plan in case the competitive model does not produce the resources for the provision of a universal application.

I wish the Minister well if he decides to do all of that. I do not only agree with Habermas, by the way, in that I also believe there is a real discourse issue in the European Union as well as in this country in regard to people who want to be or who must be included in regard to understanding everything we do. There is an assumption, for example, that if people are allowed to vote, as they will on 11 March, and if they do so once every five years, this is the exercise of democracy. Democracy is frustrated every day if there is a bad administrative decision. The fact is there is a State service at present, which has a distinguished record by dedicated workers who have a good relationship with the public in city and rural areas. While I am not antediluvian or arguing against a market principle, I am suggesting we need to give guarantees that cherry-picking will not take place and an unfair obligation will not be imposed

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on what is left of An Post's service and its workers. We need security in regard to funding and employment and, ultimately, as far as the public is concerned, in regard to what one would call the consumption of the service or what I would call the exercise of the citizen's right of communication.

It is important to address these issues as from time to time there is a conflict between what is regarded as the view of the union and the view of the management. We went through a phase of that in Ireland, where managers began dressing differently to look like people in the private sector who they assumed had a kind of monopoly on efficiency and so forth. We know where that led. There were many well dressed people running our banks, wearing very broad stripes. Hopefully, we know where they will be shortly — in our courts.

The truth of the matter is that the service is efficient. An Post has the eighth lowest postage costs and is the seventh most efficient operator out of the 27 countries of the EU. All of that is brought about by the dedicated staff. How can one put a price or a value on such a person spending a certain amount of time with an older person at the door? They are the major source of information on the welfare, health and concerns of many a person in a scattered rural community. The service is invaluable and I like it. One need only consider where we were with the imposition of efficiency without a social impact evaluation, for example, when we decided that those providing the home help service would have so many minutes to get the person up out of bed, so many minutes to clean the person, so many minutes to boil a kettle and then the home help was out the door. We need State-led services based on an acceptance of the citizenship obligation, which is the bedrock upon which we should go forward in all services, including the postal service.

I urge the Minister to accept the amendments we will put down. They are positive amendments and do not ask for a rejection of the directive or its implications. However, they suggest how the assurances I have mentioned might be delivered into the legislation. They are very reasonable amendments. What the Communication Workers Union has asked for is very reasonable and it has my support.

Deputy Johnny Brady: I wish to share time with Deputy John Browne.

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

Deputy Johnny Brady: As we now know the date of the election, I would like to wish Deputy Michael D. Higgins well. It was a pleasure to be in his company on many an occasion and it was always a pleasure to listen to him speak in the Dáil. Whatever the future holds for him, whether he will end up down on the farm or in the Phoenix Park, if I am still in the House, I might call in to him for a cup of tea.

Deputy Michael D. Higgins: The Deputy would be very welcome.

Deputy Johnny Brady: I also take this opportunity to voice my appreciation of my great colleague and friend, the former Minister for Transport, Deputy Dempsey, and of the former Minister of State, Deputy Wallace. I wish both of them and their families many years of happiness in their retirement. I also wish all outgoing Deputies who are seeking re-election the best of luck.

This Bill will shape the future of the postal market for generations. The changes it proposes must be carefully considered to ensure we do not make the mistakes made by other European countries in liberalising their postal markets, mistakes which led to job losses, higher costs and lower service levels. Postal delivery is a vital public service that must be considered as a basic

right which connects every household and business to a communications and economic infrastructure that is essential to the social and economic well-being of the country.

In the absence of a proven method of financing there are serious questions to be addressed in regard to how the universal service obligation, USO, will be financed. Liberalisation will remove the restricted monopoly that appears to favour the establishment of a sharing mechanism. However, the Communications Workers Union, CWU, would prefer that all funding options are included in the legislation, including State aid. Nothing should be ruled out until we know what a liberalised market in Ireland looks like. We must take on board the lessons learned in other countries such as the United Kingdom where the USO is under serious threat as a result of regulatory choices that were made.

The experience of the Royal Mail indicates how important it is to get downstream access right. If it is handled poorly it could spell the end of An Post and the 10,000 jobs it provides. Access to An Post's network must be on a commercial basis. In addition, access to the network must not be below the mail centre level as this would render useless much of the investment in technology which An Post has made in recent years and would require the entire delivery network to be reconfigured. An issue of particular concern is the possibility of cherry-picking — also known as cream-skimming — whereby new entrants to the postal market would compete for business only on profitable routes. The effect of that would be twofold. It would reduce vital revenues for An Post, leaving it only with loss-making routes, which are of substantial number, and this in turn would threaten the viability of the USO.

Unfortunately, job losses and liberalisation go hand in hand. This has been the experience in almost every case where a postal market has been opened to competition, as shown by the comprehensive studies conducted by Union Network International across several liberalised markets. Another issue of concern is social dumping whereby decent jobs with reasonable terms and conditions are replaced by low-paid temporary jobs which force employees to maintain a dependence on social welfare, as in the case of Germany.

The social value of the postal service is widely acknowledged by people throughout the State, especially in rural communities. This becomes particularly clear when weather conditions are poor, as we have witnessed in the past 12 months. It is striking that there is no reference in the legislation to the postal network's role as a vital part of the fabric of our communities. Any decisions of a regulator must take into account the unique value the postal service has in Ireland. With a substantial rural population, particular care should be taken to ensure the interests of a competitive market will not take precedence over or put at risk this social function. It is a vital public service that is part of the fabric of our communities and provides a sense of national cohesion.

Deputy John Browne: I thank Deputy Brady for sharing time. In recent months we have had a great deal of representations from the CWU, including a booklet entitled "Protect your Post". We have met the representatives in Buswells Hotel, in our offices and in our homes. Most of us meet our postman on a daily basis. These workers have serious concerns about some of the provisions in this Bill. They are concerned about their futures and about how the legislation will impinge on their working conditions and on how they operate the postal service for the future.

We are fortunate to have a strong postal service in this country. We may criticise it from time to time if a letter or parcel does not arrive within the indicated timeframe, but in general the service has been of a high standard. Postal workers are usually very helpful and cooperative. The postman is very much at the heart of the social fabric, particularly in rural areas. In the case of elderly people living alone, for example, their only contact with the outside world may be with their postman. None of us wants to see that change dramatically. There will and must be changes under liberalisation, but those changes must be managed in a way that ensures

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new entrants to the market do not cherry-pick the cream of the routes while leaving less profitable services to An Post. Such an outcome would have devastating effects.

An Post currently employs some 10,000 staff. On a daily basis it is responsible for delivering 2.5 million items of mail to 2.2 million business and residential addresses using a fleet of 2,680 vehicles and 1,645 bicycles. Every week it serves 1.7 million customers through its unique national network. All of this for the price of a stamp. These workers are providing a vital service. Moreover, the purchase and servicing of vehicles, purchase of uniforms and so on provides spin-off benefits to local suppliers throughout the State.

There was a great deal of criticism of An Post some years ago in respect of its operational losses, with a consequent imperative on the company to bring its operations in line with current Government spending. For example, there has been a reduction in staff numbers, the introduction of efficiency programmes, new collection and delivery programmes, investment in technology and so on. In 2007 the figure for next-day delivery was 77%, increasing to between 87% and 91% in 2010. There are 32 authorisations to companies to the postal market, with 60% of the market already fully open to competition. The post office network has a huge social value and represents an excellent delivery channel of various State services.

It is important the Minister reflects on some of the issues that have been raised during the debate last week and this week. There is serious concern within the postal service that if the Bill is not managed in a proper way, it could spell the death knell of the postal service that we know. The postal service has already been hit by declining mail volumes and is down 16% from 2009. Each 1% decline represents a loss of €5 million. We have the Internet, e-billing and all these modern methods of communication. Even within our own offices, we are inclined to send e-mails and use other forms of modern technology. This is having an effect on the postal service as well. Its representatives met us in Buswells Hotel and they said that their key concern was how the USO would be funded in future. They pointed out that compensation funds have not worked in other countries. They claim that they need State aid as an option in the future. We do not know what the market will look like in five years, so we should have a plan B in the form of State aid if the market needs it. I would like the Minister or the Minister of State to give their views on that.

Deputy Brady spoke about cherry-picking and this is one of the major concerns in the postal service at the moment. There is a need to ensure that An Post has commercial freedom to compete with new market entrants in profitable areas. There is a danger that companies will cherry-pick Dublin, Cork, Limerick, Galway and Waterford, but when it comes to going to Curracloe in Wexford or Ballindaggin in the hills of north Enniscorthy, they just will not want to know. They will leave it to one side and say that the An Post postman will do those jobs. It is important that all the An Post operations be protected in the area of cherry-picking.

Downstream access below the mail centre level will signal the end of An Post, so this should be provided for in legislation. Is that the Minister's intention? How does he intend to deal with the downstream access area? The Communication Workers Union will tell us that this is an area that will have a serious effect on services if it is not included in the legislation and dealt with accordingly.

This Bill is very important in many ways, but it could do serious damage to the postal services as we know them. It is very important that the legislation would be as it should be. Liberalisation is essential under EU legislation, but it is also important that we protect our own An Post services, which are so valuable to this country. They have served us well down through the years. We criticise it from time to time, but An Post has generally provided a tremendous service. The postman is a very important part of rural Ireland. Maybe he should not be doing

so, but the postman often brings the newspaper and messages to old people. During the bad weather period over the winter, postmen provided a tremendous service in parts of rural Wexford and across the country. They helped old people and brought to the attention of the local authorities and health services people who were suffering and isolated.

I welcome this Bill and the opportunity provided to me to contribute on it. At the end of the day, it is important that the Bill reflects the views we have outlined today. The CWU campaign slogan is “Protect your Post”, and that is a very important message. I am sure the Minister will take on board some of the suggestions that are being put forward here.

Deputy Michael Creed: I welcome the opportunity to speak on this Bill. I propose to share my time with Deputy Alan Shatter.

I wish to begin my contribution with a personal childhood anecdote, which is not in any way unique. We had the privilege of having our postal service delivered by a very strong supporter of the party opposite, who was affectionately known locally as “An Taoiseach”, may the Lord have mercy on him. In return for delivering the newspaper to my father and mother every day, he had his tea in our house. I am glad to say that is a tradition which continues to this day, notwithstanding the fact that since my childhood, many different postmen have come and gone. It is a tradition that continues and it is not a unique thing in rural Ireland.

There is a distinct perspective which needs to be brought to the debate, to which previous speakers have alluded, which is the rural perspective. In the context of the universal service obligation, everybody will want to compete for postal services on Patrick Street or O’Connell Street, but not everybody will want to deliver post to the Muskerry Gaeltacht, to Sliabh Luachra, or to the more remote parts of rural Ireland, because it is not a profitable service. We have to establish first principles in the context of this debate. As citizens of the country, regardless of where we reside, we expect the same level of service provision. It is to the great credit of An Post that for many years since the foundation of the State — indeed even before the foundation of the State — that equality of treatment of citizens has been a cornerstone of the postal service in this country. What most people fear is that this is something which could be lost in our headlong rush to embrace new directives from Europe without adequate scrutiny of the proposals.

In wrapping up the Second Stage debate, I would like to hear the Minister of State outline his vision on how we can re-assure people in my constituency, who are probably reflective of the urban-rural mix but many of whom live in remote areas and who would have real fears due to their recent experiences with An Post’s administration of other non-postal services. I am referring in particular to the services of the local post office. That goes to the kernel of the debate.

I acknowledge that the financial position in which An Post finds itself is quite precarious. Any company that turns over €800 million but makes a profit of only €5 million is not in a comfortable position. The volume of mail being delivered is falling year on year, due to the downturn and due to new technologies and changing human behaviour, and due to cost and competitiveness issues. An Post needs to take stock at management level of the kind of service delivery to which it aspires in the years ahead. A critical component of that must be that the universal service obligation is key. We must acknowledge that this comes at a cost. It is not free and it is not cheap. This Bill is about facilitating competition. We must ensure that competition is fair.

As a representative in a rural constituency I have seen the consequences of the privatisation of Eircom. That debacle has led to great difficulty in terms of broadband provision, for example, in the more rural areas of my constituency. The attempts by the Minister, Deputy

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Ryan, in the national broadband scheme to reach out to all areas have not been entirely successful. If one contacts Eircom today about any matter, from the provision of a new land line to moving a pole, one will wait months on end for a response because there is no competition. That was a mistake in the manner in which we structured that privatisation. We must make sure that in facilitating competition, as proposed in this Bill, that we do not emasculate An Post in terms of the obligations we want it to deliver.

An Post must think outside the box and look at new technologies. It must consider what is happening in terms of best practice in other countries and how to embrace new technologies. Deputy Mitchell made reference in her contribution to shopping trends, Internet shopping and a parcel delivery service. Parcel delivery is one of the areas where An Post has competition but An Post has a unique network that could enable it outflank many of its competitors by virtue of its post office network. In terms of someone buying something on-line, if An Post were to put in place a series of parcel delivery post boxes for individuals where they can deliver a parcel and access it by virtue of a code that is emailed to them that would be unique to them, we could use the effective post office network we have throughout the country to grow business for An Post and to tackle head-on that aspect of its business which has been haemorrhaging in recent years to private parcel and service delivery people in the private sector.

I met recently with the Minister, Deputy Ryan, and a number of his Cabinet colleagues, unusually, in the context of the closure of a rural post office in my constituency in Béal Atha an Ghaorthaidh. I attended a public meeting in the village some weeks ago where several hundred people committed to retaining that service met and formulated a campaign which, regrettably to date, and notwithstanding platitudes from the Minister and from other Ministers and meetings with An Post, has not borne fruit. We need to hear from An Post on the level of post office provision throughout the country it proposes because with regard to the post office in Ballingeary, for example, the view of An Post is that there is a post office in Inchigeela and in Renaniree and that those are adequate for people's requirements. However, it is likely that in the foreseeable future those post offices may have their contract relinquished and An Post will say it is withdrawing those services. There will then be a vast swathe of countryside with no access to a postal service.

Rather than being reactive and tied into contractual arrangements, which I understand and appreciate, An Post must present a picture of what is the sustainable level of post office service it can maintain and the business opportunities it has identified that it can grow out of its network of post offices and sub post offices throughout the country. Otherwise, vast swathes of the rural countryside will have no post office network. Notwithstanding An Post's anxiety to promote the postal agency service, large part of the countryside will not have banking, registered post or parcel facilities in their local post offices. An Post must examine its national remit in terms of post offices and indicate the level of service it can sustain, where it would like to have those post offices located if it were starting with a blank canvass, and how it can grow that business rather than accepting that it is doing a terminally declining volume of business in those post offices and sub post offices.

There is opportunity, and part of that opportunity is embracing the new technologies head-on including Internet shopping, the parcel delivery service and the opportunities that network of local post offices — in excess of 1,000 throughout the country — offers to it in that it can deliver one's parcel to a local community more effectively and efficiently than any of its competitors. I have no difficulty with competition in principle. Unfair competition, which is the critical point in this debate, poses serious risks to the constituency and the people I represent in rural Ireland.

I will be interested in hearing the Minister's response. It is time for new thinking. An Post is in a precarious financial position. People will point to the fact that it made a profit of €5 million but €5 million on a turnover of €800 million is not a strong financial position. It is less than 1% of turnover, which in any business would be a worrying signal, and it is declining. This is an opportunity but it will not last forever. The Minister must reassure us in terms of universal service.

Deputy Alan Shatter: I welcome the fact that this Bill is being discussed in the House. There are aspects of the Bill that deserve support and there are other aspects that deserve to be teased out, and many of my colleagues on this side of the House have already referred to them. I am aware within my own constituency the issue of the post code structure is a particular concern in terms of the loss of identity. Whether one's post is addressed to Dublin 16 or Dublin 14 is something people have grown used to and there is a concern about the lack of clarity derived from the legislation as to the exact direction in which this is heading.

I want to begin by saying that on this day of all days there is something surreal about dealing with this measure which is sponsored by the Minister for Communications, Energy and Natural Resources, Deputy Ryan, and we have the Minister of State, Deputy Cuffe, present in the Chamber. I saw the Minister, Deputy Ryan, in the Chamber at some stage today. I do not know for how long he was here because like other Members I was engaged, as one is on occasion, in other matters while this Chamber was sitting.

It is surreal, in the context of the events of earlier today, that not a single word has been uttered in this Chamber by the Minister, Deputy Ryan, the Minister, Deputy Gormley, or indeed the Minister of State, Deputy Cuffe, as to the current position of those Ministers. This Bill is under the remit of the Minister for Communications, Energy and Natural Resources, Deputy Ryan. What is his position with regard to the events that happened earlier today in the rearranging of the chairs on the *Titanic* of the Cabinet boat? It is extraordinary.

I would have thought, as a minimum, that as leader of the Green Party, the Minister, Deputy Gormley, or if he is not available the Minister, Deputy Ryan, would have used the sitting of this House today to clarify what is going on within the Government. In the context of this Bill it is of direct relevance. Are we seriously progressing it? Does this Bill have any prospect of completing not simply Second Stage but Committee and Report Stages? That is a legitimate question to ask. Are we simply engaging in a game of political charades in this House?

Acting Chairman (Deputy Charlie O'Connor): I am sorry to interrupt the Deputy but he has one minute remaining before Question Time begins.

Deputy Alan Shatter: Before this adjourns today the Minister, Deputy Gormley, should come in here and put on the record of this House the events of the past 24 hours, his discussions with the Taoiseach and whether, for example, in the context of the Green Party, the Minister for Communications, Energy and Natural Resources, Deputy Ryan, sought that perhaps he would act simultaneously with his current brief and that of Minister for Transport. What is the view of the Minister, Deputy Ryan, and of the Minister, Deputy Gormley, of the capacity of the Government to continue to function where all of the Fianna Fáil Ministers have doubled up their briefs?

Acting Chairman (Deputy Charlie O'Connor): I apologise, Deputy, but as it is now 3.30 p.m. I must now ask you to adjourn the debate.

Deputy Alan Shatter: I adjourn the debate, Sir, and in doing so I hope that before the Dáil adjourns we will hear from a Green Party Minister in this House today.

Debate adjourned.

Ceisteanna — Questions

Priority Questions

Overseas Development Aid

1. **Deputy Seán Barrett** asked the Minister for Foreign Affairs his views regarding the apparent lack of progress being made to deal with the many difficulties existing after the earthquake disaster in Haiti; if he has any proposals on the way Ireland and or the EU could assist further; if the present UN peace keeping force could be further strengthened to deal with the many law and order problems facing the Haitian authorities; and if he will make a statement on the matter. [3031/11]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): The earthquake in Haiti killed more than 230,000 people and left 1.3 million people homeless. I saw the conditions at first hand last July and since then the hurricane season, the cholera outbreak and political uncertainty have exacerbated the already terrible situation.

The international relief effort has, however, made much progress. Sanitation and clean water are being provided to the temporary camps and more than 30,000 transitional shelters have been constructed. Structures have been created to ensure the reconstruction effort is coherent and avoids duplication of effort. Nevertheless, it is clear that the pace of progress is too slow to respond to the needs of the population and a redoubled effort is essential.

Ireland, through Irish Aid, is supporting both long-term reconstruction and short-term humanitarian relief in Haiti. Tens of thousands of people have benefited from Irish-funded shelter, water and sanitation projects. We have provided vital technical skills via our rapid response corps, as well as €1 million to the Haiti Reconstruction Trust Fund. Ireland has provided €8.6 million of the €13 million I pledged on the Government's behalf at the Haiti Donor Conference last March. Total EU funding to date is €780 million.

The strengthening of the United Nations stabilization mission in Haiti, MINUSTAH, peace-keeping operation is a matter for the Security Council. The mandate and strength of the operation has been adjusted on several occasions, most recently following the earthquake.

A key focus of the mission is rule of law, public safety and public order. Some 8,651 military personnel, 4,391 police and almost 2,000 civilians serve with MINUSTAH. Ireland and its EU partners continue to follow the situation carefully and last December the EU High Representative, Catherine Ashton, reaffirmed the EU's commitment to the reconstruction of Haiti.

This will undoubtedly take many years as the country is not just recovering from the earthquake, but from many decades of crisis. It is essential, therefore, that the international community remain committed in the years ahead.

Deputy Seán Barrett: Did the Minister of State have the opportunity to see the recent television programmes about Haiti, particularly the programme dealing with the damage caused by escaped prisoners, of whom there are 4,000 and who have been convicted of all sorts of terrible crimes, including murder? These prisoners have caused havoc in the various shelters

and temporary cities that exist in Haiti. My understanding is that only 450 peacekeeping troops are available to work with the police and round up these 4,000 people, who are causing havoc.

Is the Minister of State aware of a report presented to the EU Parliament by the Commission in November 2010? The report said experienced volunteers involved with the earthquake in Haiti confirmed the need for skilled and rapidly deployable volunteers as an immediate response to the emergency and also spoke of the possibility of using less skilled volunteers for auxiliary functions. The report went on to say the majority of volunteers used by agencies in Haiti were paid, either by companies or governments. Unskilled volunteers who arrived *en masse* during the early days with good intentions were less effective and, in some cases, even disruptive.

I raise this because I have been pressing for some time for Ireland to establish a civilian corps of skilled people, many of whom are unemployed at present. There is also, I understand, a desire on the part of the EU Commissioner for a skilled civil corps to be established.

Will the Minister of State take an active role at EU level to press forward with this proposal? There are far better ways of using our money to get proper results than continual statements that, through Irish Aid, we are giving grant aid. I would like to see personnel, who are at present unemployed, used in a proper constructive fashion.

Deputy Peter Power: I did not see the programmes but I am keeping a very close eye on the security situation in Haiti. As Deputy Barrett knows, I visited there last July and saw for myself the shocking horror of the scale of destruction there. I experienced at first hand the very fragile security situation that pertained, even six months after the earthquake. Even before the earthquake, the security situation in Haiti was perilous, to say the least. There is a history of gang violence and that has continued into the humanitarian camps that are being supported by us at present.

With regard to our intervention in Haiti itself, it is not within our remit to deal with the security situation, although we would naturally wish to see it resolved and have increasing concern for the safety and security of humanitarian workers. Needless to say, the Sharon Commins incident is a case in point. However, our job is to provide, first, humanitarian aid and, second, long-term reconstruction.

With regard to the deployment of a corps of people, we have one in place. It is the rapid response corps. The lessons from the 2004 tsunami were clear. We need fewer but more highly trained and skilled people. We have a corps of more than 150 people and we deployed more than ten of those to Haiti immediately after the earthquake to assist with the effort.

Are those the lines the Deputy was considering?

Deputy Seán Barrett: Anything is better than nothing but ten is very few, in this situation. The television programmes made it clear that the security situation is quite horrific.

I do not expect Ireland to solve the problem but we are a key member of the European Union. We can awaken the EU to its responsibility and offer to support any peace corps that is designed to protect the forces of law and order in the country. Recapturing 4,000 escapees and dealing with crime on the streets would give people a chance to get back to normal living. Our membership of the EU should be used in that way. We could offer some of the well-trained and professional members of our Defence Forces to assist in such a mission. These are the sort of things on which Ireland can lead.

Deputy Peter Power: There needs to be a very clear distinction between our rapid response corps, which provides specialist aid in humanitarian situations, and the security or violent

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dimension to an emergency. In Haiti, the security situation is of concern to us but it is not our responsibility. It would be the responsibility of global organisations, such as MINUSTAH.

There is discussion at European level as to how there can be a co-ordinated response on the security front by the European Union. The view, very much, is that because these disasters are of increasing frequency

Deputy Seán Barrett: What is the Minister of State's view?

Deputy Peter Power: We need to work with our European partners in this area. Discussions are being held at present as to how the European Union might contribute to a wider multilateral force. However, they are at the very early stages.

EU Free Trade Agreements

2. **Deputy Michael D. Higgins** asked the Minister for Foreign Affairs the monitoring and implementation measures that will prevail in support of any human rights clauses which may be imposed as conditions in any EU — Colombia Agreement on trade or other matters; if he will further indicate the similarities between this treaty and similar treaties signed by the EU and indicate any such further additional measures as are contained in the present proposed EU — Colombia Treaty [2996/11]

Minister of State at the Departments of An Taoiseach and Foreign Affairs (Deputy Dick Roche): EU relations with Colombia are conducted in the framework of regional relations between the EU and the Andean Community, comprising Bolivia, Colombia, Ecuador and Peru. In 2007, negotiations aimed at concluding a comprehensive association agreement between the EU and the Andean Community were formally launched. Such agreements cover all facets of relations between the EU and these countries, including political dialogue, economic co-operation and trade. However, as not all member states of the Andean Community are in a position to proceed with the negotiations on a framework agreement, the decision was taken to commence negotiations on a multi-party free trade agreement, FTA, between the EU and two member states of the Andean Community — Colombia and Peru. The negotiations were carried out by the European Commission on the basis of a mandate from the Council and they concluded on 1 March 2010.

In principle, where a free trade agreement is linked to a broader framework agreement, it does not contain political clauses, as in the case of the recent free trade agreement which the EU concluded with the Republic of South Korea. However, for the free trade agreement with Colombia and Peru, where there is no likelihood of a framework agreement being concluded in the near future, the EU required a human rights clause to be included in the FTA itself. This human rights clause constitutes an essential element of the agreement. It means that the concessions contained in the agreement may be unilaterally suspended in the event of violation by any of the signatory countries.

In addition, the free trade agreement with Colombia contains provisions that aim to improve labour and environmental protection standards. Commitments made in these areas are included in the title on trade and sustainable development. The agreement provides for a monitoring system to ensure the effective oversight and implementation of these commitments. The system will include an intergovernmental management structure and a mechanism for consultations which foresees a role for social actors through their participation in domestic advisory groups and in dedicated sessions with governmental representatives. While the details of this mechanism have yet to be agreed, it is envisaged that the structure will be put in place after the agreement enters into force.

The agreement will provide for an annual consultation with civil society organisations and the public on matters relating to the implementation of the labour and environmental aspects of the agreement. This constitutes a significant positive step and demonstrates the commitment of the Colombian authorities to engage in a more open dialogue with civil society on these important elements of the free trade agreement.

Deputy Michael D. Higgins: On a recent visit to Colombia with others, we put some questions directly to the European Union's representative in Bogota, who was not forthcoming on some of the specific matters I have raised in this question. First, how do the clauses contained in the European Union-Colombia agreement differ from, for example, the human rights clauses we have as a conditionality in the agreement with Israel? How will it be monitored? The Minister of State has just stated that the mechanism for monitoring will succeed the coming into effect of the trade agreement, which would be unsatisfactory. The Minister of State should note that the United States, in its trade agreement with Colombia, decided not to proceed with the agreement, curiously, on the basis that it was a human rights deficiency. My specific questions are how will the human rights impact assessment of the trade agreement be carried out and by whom? Will the annual review process and the human rights benchmarks be agreed before final approval of the agreement? It has yet, for example, to go back to the parliament in Bogota where no doubt it will be approved. However, in respect of the European Union, it is interesting. Can the Minister of State provide me with an assurance that this agreement will be classified as a mixed agreement, thereby requiring ratification by the Council of Ministers, the European Parliament and the parliaments of the member states? Will it be classified as a mixed agreement because of the importance of the human rights clauses? The Minister of State will appreciate this point because so many people have been killed. There have been so many extrajudicial killings and it is important that the transition from the presidency of President Uribe to that of President Santos should provide a human rights dividend.

Deputy Dick Roche: At the outset, Deputy Higgins made the point that he was not satisfied with the answers he received during his visit. This disturbs me because I am aware that the High Representative would be concerned about that. I will draw that particular aspect of the Deputy's observation to the High Representative's attention. I accept the point made by the Deputy, particularly regarding the human rights deficiencies and the view that has been put forward by the United States. Nonetheless, the agreement is good and the monitoring system that is being put in place certainly is better than anything that exists at present. I am not in a position to state whether it will be treated in the manner requested by the Deputy, namely, as a mixed agreement, which would require separate ratification at Council level, at European Parliament level and at individual member state level. I am unsure whether this is the case and must check the facts in this regard. I am unsure whether this is the legal reality. However, I certainly will revert to the Deputy on that subject.

Deputy Michael D. Higgins: I raise this because, for example, 2,782 trade unionists have been murdered since 1986. There have been appalling exemplary killings and one can discern the reason for my questions when one considers that 70,000 people were killed in 20 years and a further 30,000 people disappeared, when there are 14,000 to 17,000 people in paramilitary armed gangs and when one has met, as my colleagues and I did, the mothers of those who were assassinated. The Minister of State should be aware of the important point that in the first 75 days of the new Government, five trade unionists, seven indigenous leaders, two community educators and two leading members of the organisation dealing with sexual minorities have been killed. The net point is on whether there is to be a dividend. In other words, people are saying that if the agreement is signed and then an attempt made to attach the human rights compliance afterwards, the point will be lost. The view from those who represent those who

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were murdered and their relatives, who believe there is impunity, is that one will be perceived to be rewarding an administration that has succeeded another administration that has not shown transparency in respect of impunity, compensation of the victims or land redistribution. This is the reason I asked for it to be a mixed agreement in order that the human rights requirements are central and not additional to the agreement.

Deputy Dick Roche: I do not dispute that for a moment and accept the Deputy's point. Monitoring is carried out through its delegation in Bogota and this is the reason I was disturbed by the Deputy's initial comment. In addition, it must be noted that the European Union has engaged actively both with the Colombian authorities and with the United Nations Human Rights Council on the issue. I will pass on the Deputy's comment on that deficiency and will revert to him on the issue of whether it is a mixed agreement. I do not believe it is of that nature.

International Fund for Ireland

3. **Deputy Seán Barrett** asked the Minister for Foreign Affairs the future of the International Fund for Ireland; if his attention has been drawn to any attempts in the United States to wind up this fund; and if he will make a statement on the matter. [3032/11]

Deputy Dick Roche: The International Fund for Ireland is an international organisation established by the Irish and British Governments in 1986 to promote economic and social advance and to encourage contact, dialogue and reconciliation between Nationalists and Unionists throughout Northern Ireland. Since 1986, the fund has received international contributions from the United States, the European Union, Canada, New Zealand and Australia. At present, the EU and US contribute all of the funding.

The issue of winding up the fund is dealt with in Article 14 of the agreement which states: "The Agreement shall continue in force until terminated by mutual agreement or by one Government giving the other six months' written notice, and thereafter shall remain in force for as long as and to the extent necessary for an orderly disposal of any remaining assets of the Fund in accordance with the spirit of the Agreement in full consultation with the donors."

When the International Fund for Ireland, IFI, board adopted its strategic framework for action for the period 2006 to 2010, it indicated to donors that it would no longer be seeking funds after 2010. Existing funding for the IFI would see it bringing its current programmes to a close by the end of 2013.

Following detailed analysis undertaken by the IFI in 2010, however, the board reached the conclusion that there was much work yet to be done to pursue reconciliation, especially in so-called hard-to-reach communities in Northern Ireland. I agree with the board's analysis. I have no doubt that real challenges remain to be addressed and that the IFI is well-equipped to play an important role in addressing those challenges.

For that reason and with the support of the Secretary of State for Northern Ireland and the Northern Ireland Executive, the former Minister, Deputy Micheál Martin, raised the possibility of further United States funding for the IFI in meetings in Washington last year with Secretary of State Clinton and other political leaders on Capitol Hill.

Deputy Seán Barrett: I thank the Minister of State. Is he aware of a front page article that appeared in the *Irish Echo* regarding a statement by one of the new Representatives from the Republican Party elected to Congress to the effect that he proposes to table a Bill to abolish this fund? The piece contains several apparently contradictory quotes, including a statement from the ambassador to Washington. As the Minister of State will appreciate, this is causing

some alarm as to the level of confusion as to what is the exact position of the Irish Government or, as the Minister of State noted, of the British Government. Is the Government aware of this threat that the fund could be wound up fairly quickly, particularly because of the change of responsibility in the House of Representatives? This matter should be carefully discussed and I ask the Minister of State whether Ireland, through diplomatic channels, stresses the ongoing need for support, especially in view of the recent unfortunate rise in subversive activities by dissident groups in Northern Ireland. If it was to be wound up, would aid continue to be provided, such as through the George Mitchell scholarship fund or another programme which could be of benefit to Northern Ireland? I understand that approximately \$50 million is contributed each year by the US Government. Perhaps the Minister can confirm that.

Deputy Dick Roche: I am aware of the debate in the US. As the Deputy is aware, there are issues regarding the budget in the US Congress. Some on the Republican side take a particular view. There has been no approach from the US authorities on winding up the fund. It may be the view of some in Congress that it should be wound up. I am aware of the article the Deputy mentioned. Some comments were made by a person associated with the George Mitchell scholarship fund on it being wound up. The contribution is of the order mentioned by the Deputy.

On continuing funding, there has been an ongoing contact, in particular by the former Minister, Deputy Martin. He had discussions last year and during the St. Patrick's Day period he had fairly extensive contact with the US. As I said, our view would concur with the board of the IFI. There are hard-to-reach communities that need continuing support. The effort will continue to be made to ensure the fund exists, as long as it has a role to play.

Deputy Seán Barrett: I appreciate what the Minister of State said and I do not mean to be in any way derogatory towards the US. One has to accept that for over 20 years it has contributed a large sum of money to the fund, which we very much welcome. I ask the Minister of State to give an assurance today that this matter will be discussed at the highest level and that there is a clear understanding on our position and why we think it is necessary that this fund should continue.

We would then gather support in the US for the continuation of the fund. In view of the comments of the congressman in question it could be very easily eliminated without much attention being paid to it. When we are warned of the possibility of that happening, there is a need for immediate diplomatic and ministerial action.

Deputy Dick Roche: I agree. We have had ongoing contact. The US authorities have not given any indication that they will end the fund. The Deputy will be aware that the budget discussions on Capitol Hill will continue until the end of March. Given the announcement made by the Taoiseach today, there will be a significant Irish presence, from whatever side of the House, in place on 17 March. I have no doubt that will continue. We have also had contact with the UK authorities and there is a consensus on working to reach the hard-to-reach communities and on the continuing value of the fund.

Human Rights Issues

4. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs further to recent revelations from leaked US Cables which indicate that the Government misled the public in relation to the use of Shannon airport by US aircraft involved in rendition flights, if he was aware that Shannon airport was being used for extraordinary rendition and the action, if any, that was taken [3161/11]

Deputy Dick Roche: The issue of extraordinary rendition has been raised on numerous occasions in this House. As has been made repeatedly clear, the Government is completely opposed to the practice of the extraordinary rendition of prisoners.

Immediately following the first reports suggesting that the US was practising extraordinary rendition, the Government demanded and received specific assurances from the US authorities that such prisoners had not been transferred through Irish territory, nor would they be, without our permission. These assurances were confirmed at the highest political level. They are of a clear and categorical nature, relating to facts and circumstances within the full control of the US Government.

I am satisfied, as previous Ministers have been, that it is appropriate for the Government to rely fully on these assurances. We would not normally make reference to unauthorised documents such as those referred to in the recent commentary on this issue.

Deputy Aengus Ó Snodaigh: The documents in question, if true, raise serious questions about the record of this House, as presented by the former Ministers for Foreign Affairs and, in particular, Justice and Law Reform. In the cables between the US ambassador and Administration the Minister is quoted as believing three rendition flights landed and refuelled at Shannon Airport. When we questioned the Minister he denied having such knowledge or having formed that opinion. Did the former Minister for Justice and Law Reform, Deputy Ahern mislead the Dáil? If he did not, on what basis did he form the belief that only three rendition flights landed? Why would an Irish Minister ask for the permission of the US Administration to search its planes if he believed that a crime was committed?

An Leas-Cheann Comhairle: It would be normal practice in question relating to the Minister for Justice and Law reform to be put to the successor Minister.

Deputy Dick Roche: There is a certain irony in any Member of the House putting on the record categorical criticisms of successive US Administrations on this issue and depending on a political response on the basis of a document, the provenance of which is probably questionable, from WikiLeaks. We can have it one way or the other. We can either accept the assurances, which are categorical and on the record, from the highest political levels or something of a lesser degree.

It seems that the Deputy is citing the leaked US cables as if they were somehow gospel but will not accept the suggestions made on the record. We have always opposed extraordinary rendition. That has been the view of all sides in the House and will continue to be the case. We have always sought to ensure that Ireland was not involved in it and all of the evidence we have is that Ireland has never been involved in it. All of the categorical assurances from the United States at the highest political level have supported that view.

Deputy Aengus Ó Snodaigh: I am not singling out one Minister because there was a series of them. When we started this debate the former Minister, Michael McDowell, was the relevant Minister. Deputy Martin was Minister for Foreign Affairs during the period in question. The Minister of State did not answer my question. Why would an Irish Minister seek permission from the US authorities to carry out a lawful action, namely, search planes in Shannon airport if he or she believed a crime was committed?

I am not suggesting that WikiLeaks or the cables are gospel. At the time we asked questions and the then Ministers for Foreign Affairs and Justice and Law Reform said they did not believe any extraordinary rendition flight went through Shannon airport. However, it seems that they had formed a belief which they were willing to share the US authorities but not the House.

Deputy Michael D. Higgins: They were afraid they would get caught.

Deputy Dick Roche: The basis of the Deputy's question is that he attributes credibility to the WikiLeaks document.

If Members have not read the Wikileaks document, it is interesting in that one of the authorities quoted on this is the Leader of Seanad Éireann, a member of my party.

As I said earlier to the Deputy, it is not credible to suggest that we could give more credibility to the conspiracy theory he is propagating here. All of the evidence is contrary to his assertions.

Foreign Conflicts

5. **Deputy Seán Barrett** asked the Minister for Foreign Affairs the up to date efforts to restart peace negotiations between Israel and the Palestinian authority and if the EU have any plans to assist with same [3033/11]

Deputy Dick Roche: As Deputies are aware, the direct Israeli-Palestinian talks were suspended shortly after they began in September, following Israel's refusal to extend its partial freeze on settlement construction. The United States, as the convenor of the talks, engaged in a period of intensive engagement with the parties, particularly Israel, to try to bring about a resumption of that freeze, and thus of the talks. The US view was that a period of intensive and committed engagement to negotiations on the final status issues, especially the issue of borders, could take the heat out of the settlement issue and allow for further progress. Regrettably, that did not happen. The realistic view was taken by the US in December that this approach was not going to succeed, because the demands of Prime Minister Netanyahu in return for a renewal of the freeze were too high and because there was a general lack of confidence that the time provided by a short extension to the freeze would be enough to make real progress.

Secretary of State Clinton has made clear that the US Administration remains firmly committed to the talks process, which is expected for the moment to continue by reverting to the proximity talks model. The US is also engaged in internal reflection and consultation with other parties, including the EU, on what might be the next steps to move the process forward. The Quartet is also expected to meet shortly, with the same objective.

The priority objective of the EU is to support the efforts to restart the talks. A final agreement can only come about through the two sides working through the key issues, with whatever assistance the international community can give. High Representative Ashton visited the region on 5-6 January this year to learn the views of both sides and encourage them to move forward. The EU will continue to discuss these issues with the US, with other Quartet members, and with other parties in the region.

Ireland will remain actively engaged, bilaterally in the region and within the EU, to support this process. We will also continue to work to highlight and improve the practical justice and humanitarian issues on the ground resulting from the continued occupation.

Deputy Seán Barrett: I thank the Minister of State for his reply. All of us are interested in getting the discussions recommenced. I noted recently that President Mubarak of Egypt has been involved in discussions and as the Minister of State mentioned, Catherine Ashton, the EU foreign policy chief as she is called, also had a two-day meeting on the situation. I was heartened by a comment I think is worth pursuing. When speaking about the blockade, Catherine Ashton made the point that the crossings must be kept open to allow the flow of humanitarian aid, imports, exports and people continue. We need to enable children to go to school and ordinary people to reconstruct their homes and get on with their lives. We would

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all welcome that. The reply that came from the Israeli Foreign Minister to Catherine Ashton's point on the closure of the crossings was interesting. He said that the closure was imposed in an effort to stop the smuggling of arms into the Gaza Strip. He went on to say that if one wanted to bring about a lifting of the closure around Gaza, one should take responsibility and establish a strong, real and effective force to prevent smuggling.

This is a similar situation to one in which Ireland played a major part, namely, the reconstruction of the Lebanon. We had troops in the Lebanon and we know that region well. In fact, Irish troops are returning there now. I was Minister for Defence for some of the years the Irish troops were there and am aware they had a huge reputation in the region as peacekeepers. I am convinced that if the EU takes a more positive and active role, not one supporting the US—

Deputy Michael D. Higgins: They should have supported John Ging, whom we all congratulate.

Deputy Seán Barrett: Indeed, yes. If a positive step was taken and the European Union offered peacekeeping troops to go in and do what the Israeli Foreign Minister suggested, that would be a positive step forward. I urge the Minister of State to instigate discussions through the European Union to see if it is possible to establish an EU peacekeeping force that will examine the position. It should examine the issue of the blockade and the so-called Scuds coming into Israel. We could make significant progress if we took the lead on that. I urge the Minister of State to take the lead in this regard.

Deputy Dick Roche: I would not disagree with the Deputy. Given the impasse that has existed for some time, we need to look at alternative approaches. Given the assurances the Israeli people need on the issue of arms going in and the clear necessity for the Palestinian people to have a decent standard of living, we must look for an alternative approach, but the talks have dragged on. As I mentioned to the Deputy once or twice at an Oireachtas committee meeting, there are ideas which are well worth exploring. I have always taken the view, for example, that there could be internationally certified customs clearance of material coming from a Cypriot or other port to Gaza and that this clearance would satisfy the legitimate concerns about security and at the same time secure the flow of funds. I have mentioned this to colleagues, in particular Cypriot colleagues, at EU meetings. It is worthwhile exploring alternatives. It is beyond question that leaving an entire population in this situation will not serve peace, let alone humanity.

Deputy Seán Barrett: I am pleased to hear the Minister agree with my point of view and I urge him to bring forward formally the proposal that we should discuss the possibility of an EU peacekeeping force there. I would hope that Ireland would offer to participate in that. We have a huge amount to offer, given our experience in Northern Ireland, our proud record in peacekeeping and people like John Ging who is a former Army officer. It is important to remember the respect in which the Irish Defence Forces are held in terms of peacekeeping, which is second to none. Our peacekeeping forces are trusted. We have a huge contribution to make. We may be a small country, but when it comes to operations related to peacekeeping, we are first class. The greatest compliment I can pay the Irish Defence Forces relates to when I was Minister and had a visit from the then US military attaché. He came to see me to see if it would be in order for him to apply to his superiors in the US for permission for senior officers of the US defence forces to come and learn about peacekeeping in our peacekeeping college in Kildare. That recognised Ireland as a country that could teach people about peacekeeping. It is worthwhile pursuing this issue and I would like the Minister of State's assurance that will be done.

Deputy Dick Roche: The Deputy's points are well made. I am not sure it is a peacekeeping force that is required or whether it is a mixed police and customs force. The idea is worth exploring.

Other Questions

Foreign Conflicts

6. **Deputy Joan Burton** asked the Minister for Foreign Affairs the view that he and other Ministers of the European Union hold in relation to the recent loss of life at demonstrations of students and others protesting in Tunis and elsewhere in Tunisia [2860/11]

Deputy Dick Roche: I have been following recent events in Tunisia very closely, including the ousting of former President Zine El Abidine Ben Ali on 14 January following widespread unrest due to popular discontent at extensive unemployment, corruption and repression. I condemn, in the strongest terms, the violent repression of the popular demonstrations which have taken place over the past month and I express the sympathy of the Irish people to the families and friends of the victims. I pay tribute to the courage of the Tunisian people and their peaceful struggle for their rights.

The situation in Tunisia continues to be highly volatile, although there have been some positive developments in recent days. While the overall security situation has improved compared to recent weeks, there are still incidents of serious protest and violence. I have had the occasion to contact a constituent living in a remote area of Tunisia and the tale being told is a terrifying one. An interim national unity government, including some opponents of the former President, such as Nejjib Chebbi, founder of the Progressive Democratic Party, who became Minister of Regional Development, was announced on 17 January by Prime Minister Mohammed Ghannouchi. The continued presence of members of the deposed President's RCD party, however, has resulted in a number of resignations from the new government, resignations from that party on the part of the Prime Minister and renewed protests on the streets.

The response from Ireland and its EU partners to the developments in Tunisia has been to urge the need for calm, restraint and dialogue and to make clear that the EU stands ready to assist Tunisia as it undergoes a transition to a stable democracy, with full respect of fundamental rights and freedoms. It is vital in this regard that free, fair and inclusive elections are held as soon as possible in Tunisia.

I strongly support the statement issued by EU High Representative Catherine Ashton and Commissioner Stefan Füle on 17 January which reaffirms EU solidarity with Tunisia and its people. In this statement, the EU urges the Tunisian authorities to act responsibly, preserve peace, show restraint and avoid further violence and, in particular, further casualties. Ireland, together with its EU partners, condemns any actions aimed at further destabilising the security situation. There is a clear need for an in-depth discussion by EU Foreign Affairs Ministers and this may be possible at the Foreign Affairs Council scheduled to take place on 31 January.

Deputy Michael D. Higgins: I appreciate the Minister of State's reply. Perhaps he will convey to former Minister for Foreign Affairs, Deputy Martin, my appreciation of his courtesy and co-operation during the period of his Ministry.

On Tunisia, is it the view of the European Union that the French Government should freeze the assets of the Ben Ali family, including those of the wife of former President Ben Ali and his extended family given that it is reported that the entourage left with a tonne and a half of

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gold and that the Swiss Government has taken the unusual step of freezing the assets of the entourage as it arrived? Is that a view that would be mirrored in the European Union, in particular in the French jurisdiction where I believe the extended family may have significant assets?

I understand that the United Nations High Commissioner for Human Rights has sent a team to Tunis. Is the European Union liaising with the particular team given that that office has reported 100 people have been killed?

Deputy Dick Roche: The situation is fluid. As the Deputy mentioned, some spectacular stories are being told in regard to the shocking habits of people associated with the outgoing regime and the movement of assets. There was no discussion of that specific issue at any of the meetings I attended. The recent decision by the Federal Supreme Court in Switzerland in relation to the movement of assets by the Duvalier family may well trigger a general discussion on the matter. Where countries are impoverished by the illegal movement of assets to European soil, any civilised European State should have a view on that which would prevent it happening. To date — I stand to be corrected — I have attended virtually all Foreign Affairs and European Council meetings and there has been no discussion on that matter.

There has not been indepth discussions on Tunisia but, undoubtedly, there will be when the matter turns up on the agenda on 31 January.

Deputy Michael D. Higgins: It is appropriate that the Minister of State mentions the Duvalier family because that family's assets are also in France. When Papa Doc junior fled Haiti loaded with the assets of the Haitian people there was a deep reluctance on the part of the French Government, given its particular form of colonial diplomacy, to freeze the assets of the Duvalier family. The Minister of State can, therefore, when asking questions about the assets of the in-laws of the former President of Tunisia, also ask what is left of the Duvalier fortune, which is banked in Paris.

It is important that the European Union, when speaking on these issues, does so with truth. There is a serious issue involved in respect of the French Government not only in respect of these two particular issues but relating to many other dictatorship families in Africa.

Deputy Dick Roche: I do not disagree with anything the Deputy has said. The Deputy will be aware that I share his view on this matter. I hope to attend the meeting on 31 January at which I will reflect some of the concerns he has expressed.

Deputy Seán Barrett: I join with Deputy Higgins in wishing the former Minister for Foreign Affairs, Deputy Martin, every success in the future and thank him for his service.

I am struck by this issue of money belonging to ordinary people being stolen by dictators who are being given comfort in other countries. Any ordinary person wishing to open a bank account must answer questions on money laundering and supply a utility bill as proof of address. I am surprised that so-called civilised states are tolerating the movement into their vaults of vast sums of money and gold without any great difficulty.

Deputy Michael D. Higgins: Saudi Arabia.

Deputy Seán Barrett: I find this extraordinary. The Minister of State will be aware that the issues of Irish aid and allegations about Ethiopia were discussed yesterday at a meeting of the Joint Committee on European Affairs. I agree with the Minister of State and Deputy Higgins that the EU must not alone condemn this but should put in place systems that will not allow this to happen in the European Union or any associate country with which we have a relationship. It

is indefensible that ordinary people are being ripped off by dictators. These people cannot live in peace but must engage in an uprising at considerable loss of life in order to do so. As a civilised society, we must towards that situation.

Deputy Dick Roche: I agree. As in the case of agreements we have with Central and South America, within which there are human rights elements, as discussed on an earlier question, it is imperative the banking system within Europe is not used in the manner in which it has been historically used, from the time of the Holocaust and previously. It is an affront to civilisation that people who have been deprived of their rights, as happened with the Jewish communities right across Europe who, 50 years after we discovered the horror in the camps, still have not had retribution from the so-called civilised banking communities. It is another one of those issues in respect of which I agree with the Deputy. I believe the matter should be discussed.

If this issue comes up for discussion on 31 January, I will be pleased to mention the point made by the Deputy.

7. **Deputy Kathleen Lynch** asked the Minister for Foreign Affairs the assistance proposed at Irish and European level for those affected by the recent mudslides in Sri Lanka said to have caused more than 300,000 persons to have to flee their homes [2886/11]

Deputy Peter Power: I will convey the Deputies' good wishes to Deputy Martin.

The floods which have ravaged eastern parts of Sri Lanka in recent days have caused widespread destruction and are thought to have affected nearly one million people. At least 40 people are known to have died while 300,000 have been forced from their homes.

The Government of Sri Lanka has estimated the total damage caused by the flooding and resultant mud slides at €375 million and there are serious concerns over the effects of the disaster on farming communities, with up to 30% of all arable land in the region thought to have been submerged.

The United Nations is expected to launch an appeal for Sri Lanka this week. To date, the European Commission has provided emergency funding of €2 million in humanitarian assistance to the flood victims. This aid will be channelled through a number of international aid agencies to provide emergency food assistance, water and sanitation, as well as basic relief items to those most in need. In addition, funding from the Red Cross disaster relief emergency fund, DREF, to which Ireland is a donor, has been made available to the Sri Lankan Red Cross to assist some of those most affected quickly and through experienced emergency workers on the ground. Funding through the DREF is one of the key lessons which we have implemented as a result of the Asian tsunami, which affected Sri Lanka. Ireland has provided €4 million to this fund since 2008. I assure the Deputy we will continue to monitor the situation as it develops in the coming days, especially in light of the possible UN funding call.

Deputy Michael D. Higgins: I welcome the Minister of State's reply, which is practical. At the time I tabled this question, almost 40 people had been reported dead. Food provision is important, given that only one fifth of the rice farms survived. There is not only an emergency in the context of the immediate homelessness caused by the flooding, but also in regard to food security in the short term.

Deputy Peter Power: We will monitor the situation. Since I have taken up this portfolio, it has never ceased to amaze me how some disasters, rightly, generate significant international publicity while shortly after similar disasters do not capture the imagination of the international media, even though they cause immense hardship. For example, during Cyclone Nargis in

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Burma, not far from Sri Lanka, 129,000 people died overnight in eight hours. That is one of the forgotten tragedies. I assure the Deputy that even though these are described as forgotten emergencies, Irish Aid continues to monitor them and we respond to funding calls. A needs assessment is often prepared a month or two later and submissions are prepared by Irish Aid for the Department. We respond to them to ensure relief is provided to those most in need, in particular, the Tamil minority community.

8. **Deputy Brian O'Shea** asked the Minister for Foreign Affairs his views on preparations for elections in Nigeria in April 2011 [2870/11]

Deputy Dick Roche: A raft of elections will be held over the next few months in Nigeria. The elections to the National Assembly will take place on 2 April, the residential elections are due to take place on 9 April 2011 and the gubernatorial and state legislature elections are due to take place on 16 April 2011. On 13 January 2011, the People's Democratic Party, Nigeria's largest political party and the party of the incumbent federal government, held its presidential primary. The incumbent President, Goodluck Jonathan, was selected with a handsome 80% of the vote. Nigeria's Independent National Electoral Commission, INEC, is responsible for organising the elections and its chairman, Professor Jega, has publicly and repeatedly committed to ensuring the elections are conducted in a free and fair manner. Over the past few months, INEC has been working to put in place logistical arrangements for the elections in April. There were delays in holding elections because of INEC's concerns.

The first major step to organising the elections is the compilation of a new register of voters. Voter registration commenced on Saturday, 15 January 2011 and will continue for two weeks. To reduce fraud it has been decided that the new register will contain biometric information, including fingerprints and photographs, for each registered voter. Accordingly, the compilation of this new register is a complex logistical challenge for INEC, comprising 132,000 brand new direct data capture machines operated by around 360,000 staff throughout the country. The voter registration process is being closely monitored by the media, Nigerian NGOs and the international community, including the Irish embassy in Abuja. While there have been initial reports of problems with voter registration, it is too early to pass judgment on the process. The EU intends to send an EU election observation mission to cover the elections, subject to an invitation from the Nigerian Government. It is expected that the first members of a mission will arrive by the end of February.

Deputy Michael D. Higgins: I wish the Nigerian people well and I hope the electoral process will advance democratic participation. The background to this is that Nigeria continues to produce more oil while it sinks in the league of UNDP countries. In other words, the people's welfare is worsening while more oil is produced. Is the EU concerned about the religious and ethnic clashes that have taken place in recent times in Nigerian cities? The composition of the choices in the electoral process is likely to exacerbate existing tensions.

I refer to the dispersal of the Union's electoral observation mission. Is it deployed to observe north-south and Islamic-Christian tensions?

Deputy Dick Roche: I dealt with the issue of violence in Jos, Nigeria, on the Adjournment in the Seanad last night. There has been significant violence in that area and while it looks to be purely Christian-Muslim violence, it is more complex than that. It is not about religious leadership; there are complex issues relating to land ownership and property. There has been widescale violence, the causes of which are multifaceted. They are partly political, partly ethnic,

partly religious and partly economic. The EU will try to disperse its election observation resource to ensure it has a full overview, which is what it has done in other cases.

The INEC is making real efforts. The head of the mission, for example, made it clear last year that he was not happy that the voter register they were using was sufficiently robust to have a free and fair election. That is why the election date was put back while the process of voter registration goes ahead. It is highly technical, given biometric details will be taken in a country as large and diverse as Nigeria. I wish the Nigerians well.

Deputy Seán Barrett: There is a large Nigerian community in Ireland. Do these people have a vote in the elections? If so, what arrangements are we making through the Nigerian embassy to facilitate the casting of votes? It is disturbing that the wrong outcome in an election in this country and other African countries could lead to an increased flow of refugees into Ireland. I often wonder whether proper steps are taken when refugees arrive here, what diplomatic steps are taken to investigate the reasons for this and what can be done to deal with the issues.

Deputy Dick Roche: I am not sure what the provisions are for overseas voting in Nigerian law. I do not have that information.

Deputy Seán Barrett: Could the Minister of State have that checked?

Deputy Dick Roche: Yes. A number of countries have such a process, although we do not. We are all deeply involved, including the EU, in the general issue of the violence that flows from the sense that flawed elections are a denial of democracy because there is no point in going with a process that is a facade for fraud. I get the impression from material I have read that the INEC is making real efforts.

With regard to international vote observers, the process is that they are invited by the Nigerian Government and they make independent assessments. I hope, as the Deputy has said, the election will go ahead, be free and fair and give the people the opportunity to choose.

Deputy Michael D. Higgins: I note that the Minister of State, Deputy Roche, is a student of WikiLeaks. Therefore, he will be interested to hear that one of the most interesting ones on Nigeria is a statement by Shell to the effect that “We have people in all the relevant Nigerian ministries.” Given that the candidate for the Presidency that has been chosen by the lead party is in favour of the privatisation of the oil industry and that there have been discussions on its future, the embassies told Washington that they expect matters to be quiet until the elections started. Would the Minister of State agree that it is a matter for concern that the welfare of the Nigerian people might not be the automatic outcome of the election?

Deputy Dick Roche: I share the hope with Deputy Higgins that the welfare of the Nigerian people and that alone will be the sole concern of the election.

9. **Deputy Jack Wall** asked the Minister for Foreign Affairs his views and position regarding recent leaks (details supplied) that Shannon Airport had been used on at least three occasions by aircraft involved in extraordinary rendition of prisoners [2881/11]

Deputy Dick Roche: It is not my practice to comment on matters contained in leaked documents which have no official standing. I have already made some comments on the documents in question.

Deputy Michael D. Higgins: I do not intend to delay the House on the matter. The Minister of State knows my views. There is a difference of opinion between the senior Minister and several Ministers on the failure of the Government to take the powers it had under the 1978 and 1987 air navigation Acts to achieve inspection.

In order to save time on a later question, I understand a Cabinet sub-committee was dealing with the issue. I understood the sub-committee was set up following a demand from the Green Party. Has it met and what did it achieve by way of bringing forward legislation that would have achieved inspection and amendment to either of the two air navigation Acts to which I referred?

Deputy Dick Roche: The Deputy is correct that a Cabinet sub-committee was set up. It was set up in 2008 and dealt with some familiar aspects of international human rights law. It met on three occasions and was chaired by the Minister for Finance. The renewed programme for Government in October provided for a review, and a change if necessary, of the legislation affecting civilian aircraft in the context of the existing, ongoing work of the Cabinet sub-committee on human rights. It also provided for the strengthening, as is appropriate, of the powers of inspection of such aircraft which is the very issue to which Deputy Higgins has referred on several occasions and the collection of flight information. Events have rather caught up on that but it is a matter of ongoing concern.

Deputy Michael D. Higgins: The work of the sub-committee was suggested as an alternative to my own legislation, which I prepared and moved in Private Members' time on behalf of the Labour Party. I am disappointed that we are still left with the fact that it is very important that, first, we are seen to act within such powers as we have in the 1978 and 1987 Acts. When we returned a questionnaire to the Council of Europe we said that we had the legal capacity to do whatever was necessary to sustain the assurance that we had given. What we omitted to say in the questionnaire was that we were not in fact exercising all of the powers that we had under the legislation. Therefore, the second point relates to amending legislation which I suggested.

I agree with the Minister of State that given that more Ministers have left the Government than has left the Tunisian Cabinet the expectation that we would conclude on the matter is probably tenuous.

Deputy Dick Roche: Deputy Higgins's connections are ingenious. The Garda Síochána has the power in law to carry out those extensions where there is reason to believe that an offence has been committed. That mechanism has not been triggered.

Middle East Peace Process

10. **Deputy Brian O'Shea** asked the Minister for Foreign Affairs if his attention has been drawn to a report produced by the Palestine Section of Defence for Children International entitled *Under Attack: Settler Violence against Palestinian Children in the Occupied Palestinian Territory* which details incidents over the past number of years which have impacted on children; and if he will make a statement on the matter. [2869/11]

16. **Deputy Emmet Stagg** asked the Minister for Foreign Affairs if he will report on the most recent reports he has from his officials in Israel; if his attention has been drawn to yet further illegal settler expansion in East Jerusalem; and if he will make a statement on the matter. [2888/11]

44. **Deputy Martin Ferris** asked the Minister for Foreign Affairs if there have been any recent developments in attempts to secure an end to Israeli settlement building in the Occupied Territories; and if he will support a call for sanctions on Israel if they continue to ignore international demands for an end to settlements. [2907/11]

Deputy Dick Roche: I propose to take Questions Nos. 10, 16 and 44 together.

The questions cover a range of issues. Ireland and the European Union regard all Israeli settlement activity in the occupied Palestinian territories as illegal. The partial freeze on new settlement construction in 2010 was, nonetheless, an important element in creating the atmosphere to allow substantive political negotiations between Israel and the Palestinians to begin. The freeze expired on 26 September and, as I reported earlier in my reply to a Priority Question on the peace process, efforts to persuade Israel to reinstate it have failed. We have made clear our profound disappointment at the resumption of settlement building, as have many others.

Settlement expansion aims at changing the demographic balance on the ground, and creating facts which will dictate the shape of any future peace agreement, which is simply not acceptable. It also involves the progressive expropriation of Palestinian lands, expulsion of families, and destruction of their homes. Again, all of those actions are unacceptable. Since the partial moratorium ended, settlers have pushed ahead with new house starts or foundations for new building. That again, is unacceptable. At the same time, there have been a number of announcements of construction permits, building plans and other planning stages, particularly in the area of East Jerusalem. I am kept informed of these by reports from our own missions on the ground and from other sources. These announcements are part of the ongoing and relentless process of settlement expansion, the details and stages of which are kept deliberately opaque and unclear, including, many observers believe, to public opinion in Israel.

These developments inflame Palestinian public opinion, which is hardly surprising, and destroy public support for their leaders to engage in serious negotiations with Israel. They increase support for the people who would have a different view. It must be a matter of the greatest concern that the Israeli Government does not recognise that, or accord it sufficient importance. I would appeal to all sides, particularly the Government of Israel, to recognise that the greatest possible restraint should be the highest priority at this time. The European Union restated its views on settlements, and the importance of this issue, in the conclusions of the Foreign Affairs Council in December 2010.

The related issue of settler violence is an important and shocking one, to which Ireland has drawn attention at EU level and elsewhere. The majority of individual settlers, it should be stressed, are mostly driven by purely economic motives, namely, direct incentives from the Israeli Government or conservative charities to encourage them to live in settlements. But there is a substantial fringe of ideologically committed settlers who are consistently aggressive both in terms of occupying land and of direct violence against Palestinians in their neighbourhood. At the same time, Israelis living in and travelling to illegal settlements in the Palestinian Territories fear that they themselves are being put risk because of the exacerbated sense of tension all of that activity creates.

I am deeply concerned about the specific allegations of violence against Palestinian children contained in the report by Defence for Children International, DCI. DCI Palestine has documented 38 incidents of settler violence towards children in the period from March 2008 to July 2010, including six very disturbing cases where settlers reportedly shot and wounded children, some as young as 15. That is simply not acceptable.

[Deputy Dick Roche.]

The allegation of Israeli military collusion in some of these attacks is a matter of grave concern. Israel has a legal obligation under international law to protect Palestinian civilians in the occupied territories. This report and reports from other NGOs suggest there is instead a culture of impunity, with the authorities failing to hold settlers accountable for their actions under Israeli law. That is deeply regrettable. Yesh Din, an Israeli human rights organisation funded by Irish Aid, estimates that only 10% of Palestinian complaints to the police about settler violence result in a prosecution, and a number of these prosecutions have publicly failed to proceed. That creates an atmosphere of fear and anxiety among the Palestinian community. It is imperative on Israel to take steps to ensure that all civilians under its jurisdiction, whether Israeli or Palestinian, are held accountable for their actions to the same standard in the appropriate courts.

The Government has argued strongly at EU level for a firmer approach to settlements and settler violence. We would support, for instance, discussing the possibility of excluding settlement produce from the European Union, although it is clear that this would not yet command general support in the EU. As successive Ministers have made clear, however, I do not believe in a policy of general sanctions against Israel, which would be both futile and counter-productive. It is clear and obvious to me and other Members that every effort must be made to stop this behaviour, which exacerbates an already difficult situation and which makes the cause of peace more difficult to achieve.

Deputy Michael D. Higgins: Given the number of questions involved I am grateful for the Minister of State's comprehensive reply. I take the opportunity to formally convey on behalf of all Members, especially those of us who have frequently visited Israel, Gaza and the occupied territories, our best wishes to John Ging in his new role in the United Nations. He has been one of the most distinguished people representing Ireland abroad under great pressure.

The reason I referred specifically to children in the first question is based on a report given to me to the effect that Palestinian children are more traumatised by the humiliation of their parents than by the death of a parent. The case upon which the Minister of State has, rightfully, based his reply, for which I am glad, involves the defence of Children International, which is represented in 40 countries and has a record of 30 years in Palestine. Let us consider it in terms of the rule of law. There are some 500,000 settlers in 200 settlements on Palestinian land in the West Bank and east Jerusalem. The circumstances in east Jerusalem have changed since the position described by the Minister of State. There have been 84 house demolitions and 24 evictions which have dislodged 407 children. Other houses have been given demolition orders and in Silwan and Sheikh Jarrah some 1,500 children are at risk of displacement. Would the Minister of State agree that it is time to call on the United Nations High Commissioner for Human Rights to address the issue of the impact on children of settler activity, in terms of the deaths that have already taken place, the risk to life and the displacement and disruption of family life?

Deputy Dick Roche: There are several aspects to the issue of children. Most of us accept that violence against children, from whatever source, is simply unacceptable.

Deputy Michael D. Higgins: I have condemned the rocket attacks on children in Gaza and Border communities.

Deputy Dick Roche: I do not suggest the Deputy has done anything otherwise He has been altogether even-handed in this regard. As I stated at the end of my last contribution, the cause

of peace is not served by violence, regardless of its source. The Deputy will be aware of an additional point. Issues relating to criminality or criminal responsibility arise with regard to the manner in which children from Palestinian and Israeli backgrounds are treated. The UN Convention on the Rights of the Child requires an even-handed approach, which is not the case at present. The UN Committee on the Rights of the Child has recommended that Israel rescind the provisions on military orders which discriminate in respect of the definition of a child. The definition of a child is central to the action taken, especially——

Deputy Michael D. Higgins: Will the Minister of State bring this to the notice of the Secretary General and arrange a visit?

Deputy Dick Roche: Yes. The making of a Palestinian child criminally responsible at the age of 16 years is simply unacceptable when an Israeli child is deemed not to be criminally responsible until he or she is 18 years. This is clearly discriminatory and a breach of the UN Convention on the Rights of the Child. I urge the Israeli authorities to accept immediately the recommendation made. I am also concerned about other issues affecting the treatment of Palestinians, such as arrests in the middle of the night and detention without access to families. There is something horrific about young teenagers being arrested and the humiliation of children in detention.

I am aware of the point made by the Deputy about the trauma children suffer when they see their parents mistreated. As a parent, I do not understand it. How can one understand it? It pains me. I hold no negative views about Israel and I have no negative personal views about the Israeli people; quite the opposite is the case. However, I believe for a people with a tradition of great humanity and which has made such a contribution to humanity it is a tragedy that the tradition is denied by these actions. I enjoin the Deputy in respect of all the points he has made. The peace talks must be brought forward. We must all recognise the need for a two-state solution and people must learn to live in peace with each other, which was the case for many centuries until the 19th century interventions.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Alan Shatter — new arrangements for legal assistance to be put in place for the HSE; (2) Deputy Jimmy Deenihan — the provision of an extension to Mercy Mounthawk secondary school, Tralee, County Kerry; (3) Deputy Paul Connaughton — the position of bog cutters on raised bogs under the EU habitat directive; (4) Deputy Pearse Doherty — the provision of adequate radiotherapy facilities in the north west; and (5) Deputy Thomas P. Broughan — that the Minister for Transport as a key shareholder in Aer Lingus would urgently report to Dáil Éireann on the current industrial relations dispute at Aer Lingus given the negative impact on the travelling public, the cabin crew concerned, the airline and the country and if he would outline what steps he is taking as a key shareholder in Aer Lingus to utilise all the industrial relations machinery of the State to achieve an urgent resolution of the industrial relations dispute at Aer Lingus, and if he would make a statement on the matter.

The matters raised by Deputies Jimmy Deenihan, Alan Shatter, Pearse Doherty and Paul Connaughton have been selected for discussion.

Adjournment Debate

Consultancy Contracts

Deputy Alan Shatter: With the agreement of the House I will go ahead of Deputy Deenihan, who will be with us in a few moments. I thank the Ceann Comhairle for allowing me to raise this issue, which is of some considerable importance. Before I deal with the substance of the issue, I emphasise that I am not in any way casting aspersions on any of the law firms involved in the matter. To the best of my knowledge, all such firms are firms of legal expertise and integrity and my comments are not in any way meant to be critical of any particular law firm or any solicitor associated with any particular law firm. My concern in this area relates to the steps taken by the HSE with regard to the obtaining of legal services for the HSE across a broad range of areas and the involvement, if any, of the former Minister for Health and Children, Deputy Mary Harney, the Minister of State at the Department with responsibility for children, Deputy Barry Andrews, or the Minister of State at the Department who is present this afternoon, Deputy John Moloney, within whose brief this matter falls.

As I understand it from a reply to a Dáil question on 12 January 2011, the HSE has qualified 35 law firms to deliver legal services through four geographical panels, each representing a HSE administrative area. The law firms on these panels are to be used to deliver advices and services in key legal areas such as child care, environmental health, mental health, disability and other areas. In response to a Dáil question, I was informed that these law firms would be managed by a single law firm, which will act “as the service manager for the contract”. In addition, one particular law firm with which we are familiar and against which I make no imputation of any description, Arthur Cox, is to be responsible for providing the HSE with all its corporate legal advice.

I tabled the Dáil question to find out the involvement, if any, by the Minister for Health and Children in these new arrangements or that of Ministers of State in her Department, to find out what discussions took place, to seek the identity of the solicitors firms on the relevant panels and the solicitors firm that, it is envisaged, would be appointed in this managerial capacity. In reply, the Minister did not indicate to me if she had any consultations of any description with the HSE in advance of its advertising or putting in place this new, and what I describe as extraordinary, structure. The Minister simply stated that the HSE advised that on 13 November 2009, a contract notice was dispatched to the *Official Journal of the European Union* announcing the commencement of a procurement process for the delivery of what is described as a concessionary-type model for legal services.

What is my complaint? My complaint is that it appears that with questionable legal authority, possibly without any consultation with the Minister — this matter might be clarified — without any debate in the House and without any notice to the Joint Committee on Health and Children, the HSE has divested itself as the statutorily established body of a role with regard to the legal services it obtains and has delegated its statutory function to a private law firm. I emphasise that I am not being critical of Arthur Cox as a law firm. There was a tender process and it lawfully tendered and, I presume, was successful in the tender process. A private firm of solicitors has been conferred, apparently by a statutory agency established by this House, with a role that reflects the role of a State-sponsored body. It will be the supervisory body that determines what work will be done across this State by 35 other law firms on behalf of the Health Service Executive, HSE, in a broad range of areas of great sensitivity including child

care. I have absolutely no idea what expertise some of these firms have in this area or on what basis this work can be done. The law firm to which this work has been subcontracted has no obligation of any description to be accountable to this House or the Oireachtas Committee on Health and Children for any aspect of the work undertaken.

I again emphasise that I am not critical of the firm that succeeded in obtaining the tender. My criticism is that this extraordinary and bizarre divesting of statutory responsibility and the restructuring of law services to deliver crucial services to the HSE should have been discussed in this House with some public deliberation and consultation. Measures should be in place to ensure no conflict of interest occurs. I do not know whether one of the 35 law firms, for example, may deal with a child protection issue for the HSE——

Acting Chairman (Deputy Seán Ardagh): The Deputy cannot expand on this. He should finish on this point.

Deputy Alan Shatter: ——while advising the Catholic church on issues in which it is accused of child sexual abuse.

Acting Chairman (Deputy Seán Ardagh): Has the Minister of State a response to this?

Deputy Alan Shatter: I will conclude and thank the Acting Chairman for his forbearance. This is an issue of fundamental seriousness that should not have been dealt with in this way. What is the extent of the Government's involvement in this matter? Will the events in this case be the subject of a review?

Minister of State at the Department of Health and Children (Deputy John Moloney): I accept Deputy Shatter is not being critical of any specific law firm. I thank him for raising this issue and giving me the opportunity to clarify the position on the new arrangements put in place by the HSE for the provision of legal assistance to it.

Neither the Minister for Health and Children nor her Department has a role in sanctioning HSE procurement. This is a matter for the HSE and its board. The HSE has its financial and procurement policy which sets out authority levels for entering into contracts, up to and including board level, for larger contracts.

The HSE advised the Department that on 13 November 2009 a contract notice was dispatched to the Official Journal of the European Union which announced the start of a procurement process for the delivery of a concessionary type model for legal services.

The contracting model is two-tiered. To start with, the model will involve a total of 35 law firms. All these law firms have been qualified by the HSE to deliver services through four geographical panels, based on the four HSE administrative areas. The law firms on these panels, known as member firms, will be used to deliver advices——

Deputy Alan Shatter: The Minister of State is reading the same reply I received in a parliamentary question on the matter.

Deputy John Moloney: Deputy Shatter was having a great chat with his colleague on the opposite benches so he could have at least listened to my reply before interrupting. No matter what I say, he is going to be critical of it either way.

These firms will be managed by a single law firm which will act as the service manager for the contract. In addition to acting as the service manager, this law firm will also be responsible for providing the HSE with all of its corporate legal advice.

[Deputy John Moloney.]

The general requirement to reduce legal costs has been the subject of discussions between the HSE and the Department of Health and Children, in the context of achieving value for money. Specific targets on cost reductions were included in the HSE's 2010 service plan. The Minister for Health and Children was informed by the Secretary General in October 2010 that the procurement process was under way and that it was hoped the new arrangements would come into operation from 1 January 2011.

The head of the legal division in the Department was also aware that the tendering process was taking place, from discussions with her opposite number in the HSE. Following a detailed and comprehensive evaluation process, the firm of Arthur Cox was selected as the preferred bidder to act as the service management firm for the new contracting model. The head of the legal division in the Department was informed that Arthur Cox had been chosen and its name was going before the board at a meeting to take place in December. Contractual negotiations are ongoing with this firm with a view to a contract commencing on 1 March 2011. To manage any risk associated with conflict of interest, a firm from outside of this jurisdiction was engaged to assist the HSE in preparing contract documents. The firm engaged to assist in this regard is McGrigors LLP, whose head office is in Edinburgh, Scotland. Senior counsel has also been retained on an as-required basis to advise the HSE.

Deputy Alan Shatter: What about the lawfulness of the HSE delegating this function to a private law firm? Why did the Chief State Solicitor's office have no involvement in this process?

Acting Chairman (Deputy Seán Ardagh): I call on Deputy Deenihan.

School Accommodation

Deputy Jimmy Deenihan: Mercy Secondary School, Mounthawk, Tralee, is the largest voluntary secondary school in the country with just under 1,200 pupils. It was opened in 2001, a result of the amalgamation of Moyderwell and Balloonagh secondary schools as a CEIST school. It has proved to be very successful.

Unfortunately, it was originally built to accommodate 900 pupils when its first enrolment was 1,200. From day one it had to get prefabs for accommodation that still remain on the site. The school has a staff complement of 100, including special needs assistants. It achieves high academic standards and teaches subjects across the curriculum spectrum. It is co-educational with a 50:50 split. The teachers there are very energetic and well-motivated. I must declare an interest as my wife is a teacher there, as well as Deputy McEllistram's sister.

Acting Chairman (Deputy Seán Ardagh): Is there any Sinn Féin or other party involvement in the staff?

Deputy Jimmy Deenihan: Not that I am aware of. As it is a top-class school, a large number of pupils in Tralee and the surrounding areas apply for admission to the school. The feeder schools, Moyderwell and Balloonagh primary schools, have first choice. As a result 90 pupils are on the waiting list to gain admission in September. For some time we have been waiting for a consultant post to be filled in Tralee General Hospital. The prospective consultant may not be able to take up this post because he cannot get his daughter into the Presentation School or Mercy Secondary School, Mounthawk, due to the waiting lists.

Mercy Secondary School, Mounthawk, has been one of the success stories of amalgamation and co-education. It should be given preferential treatment as regards the provision of extra

accommodation to replace the prefabs and ensure the waiting lists are removed. I hope the Minister of State's reply will not be the usual formula stating it will be sorted in five years.

I hope instead the Minister of State will enlighten the House with regard to the immediate plans the Tánaiste and her Department have for Mercy secondary school in Mounthawk.

Deputy John Moloney: I wish to apologise on behalf of the Tánaiste and Minister for Education and Skills who cannot be present to respond to Deputy Deenihan directly. I thank the Deputy for raising this matter because it provides me with the opportunity to outline to the House the Government's strategy for capital investment in respect of education projects and to outline the current position regarding the application made for an extension to Mercy second school, Mounthawk, Tralee, County Kerry.

Modernising facilities in our existing building stock, as well as the need to respond to emerging needs in areas of rapid population growth, is a significant challenge. The Government has shown a consistent determination to improve the condition of school buildings and to ensure that the appropriate facilities are in place to enable the implementation of a broad and balanced curriculum. The planning and building unit of the Department of Education and Skills assesses all applications for capital funding. The assessment process determines the extent and type of need presenting, based on the demographics of an area, proposed housing developments, the condition of buildings, site capacity, etc., leading ultimately to an appropriate accommodation solution. As part of this process, a project is assigned a band rating under published prioritisation criteria for large-scale building projects. These criteria were devised following consultation with the education partners.

There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and band 4 is the lowest. Documents explaining the band rating system are available on the Department's website. Information in respect of the current school building programme, along with all assessed applications for major capital works, including the project for Mercy secondary school, Mounthawk, is also available on the website.

Mercy secondary school, Mounthawk, opened in September 2001 as a result of the amalgamation of two secondary schools in Tralee. The school authorities submitted an application for large-scale capital funding for an extension in 2007. The application has been assessed in accordance with the published prioritisation criteria for large-scale building projects and was assigned a band 2.5 rating. A schedule of overall accommodation has been completed for the proposed project. The school's enrolment at 30 September 2009 was 1,175 pupils, which represents an increase of 1% in the previous five years.

The school has received capital grant aid in recent years for other works. Under the summer works scheme 2010, it received funding in the amount of €234,239.39 for external environment improvements. In October 2010, it was included in a list of schools that were approved a grant for water conservation measures.

The forward planning section of the Department of Education and Skills has identified 43 priority areas throughout the country where significant additional accommodation will be required at primary and post-primary level in the medium term. Factors under consideration in this regard include population growth, demographic trends, current and projected enrolments, recent and planned housing developments and the capacity of existing schools to meet demand for places. The indication from the forward planning section is that there is not likely to be a significant growth in demand for additional classroom accommodation in the Tralee area in the short term and that there is sufficient capacity to meet the needs of the area.

[Deputy John Moloney.]

The progression of all large scale building projects — including the project in question — from initial design stage through to the construction phase will be considered in the context of the Department's multi-annual school building and modernisation programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to provide an indicative timeframe regarding the progression of the project. I again thank the Deputy for giving me the opportunity to outline to the Dáil the current position regarding the school building project for Mercy secondary school, Mounthawk, Tralee, County Kerry.

Message from Seanad

Acting Chairman (Deputy Seán Ardagh): Seanad Éireann has passed the Bretton Woods Agreements (Amendment) Bill 2011 and the Communications (Retention of Data) Bill 2009, without amendment.

Adjournment Debate (Resumed)

Health Services

Deputy Pearse Doherty: The matter I wish to raise relates to the north west radiotherapy centre that was due to be built in Altnagelvin. Construction was due to be completed in 2015. The people of the north west, namely, those in Donegal and Derry, are very concerned with regard to the unilateral decision taken by the Minister for Health, Social Services and Public Safety, Mr. Michael McGimpsey, MLA, last week to the effect that construction on the centre will not now proceed. This has given rise to fears among cancer sufferers in the north west, their families and those who campaigned long and hard to bring us to the point where a centre such as that proposed for Altnagelvin was to be built on a cross-Border basis.

Under the agreement that was reached, the authorities in this State were supposed to purchase services from the Assembly in the Six Counties for the people of Donegal. This is a central plank of the State's cancer strategy. In light of Minister McGimpsey's decision, I am seeking that the Tánaiste and Minister for Health and Children intervene. I am not sure whether any discussions took place between the previous Minister for Health and Children and her counterpart in the North. I welcome the fact that responsibility for health and children now lies with the Tánaiste, Deputy Coughlan, who, in view of the area in which she lives, will have a clear understanding of this matter.

There is a need for both dialogue and an element of straight talking with the North's Minister for Health, Social Services and Public Safety in respect of this matter. The Minister of State, Deputy Moloney, will be aware of the unique governance arrangements that exist in respect of the Assembly in the Six Counties. Unlike their counterparts in the South, each Minister in the Six Counties has executive authority. While the Executive in the Six Counties agrees the overall budget and the allocations for each Department, it is the responsibility for the relevant Ministers to decide how money is spent. They do not require the approval of the Executive in this regard. Those arrangements came about under the British-Irish Agreement. They were drafted in the context of our past and were designed to ensure that no section of the community or party could interfere with the budget of a Minister from another party.

Even though €25 million has been ring-fenced in the draft budget of the Executive in the Six Counties for the Minister for Health, Social Services and Public Safety to proceed with the project, the latter has taken a unilateral decision to the effect that the centre will not be built because he cannot guarantee that, post-2015, he will not the money required to cover the

running costs of the facility. Of course, this presumes that Mr. McGimpsey will be Minister for Health, Social Services and Public Safety following the Assembly elections which are due to take place in May. In addition, the budget in the North is a four-year budget and it runs from 2011 to 2015. There is again, therefore, a presumption that in 2015 the money relating to the facility will still not be forthcoming in 2015.

The Department of Health, Social Services and Public Safety is the only Department in the North not to have its budget cut. This is due to the existence of what is termed the “block grant”. The position in the Six Counties is different to that which obtains here. The Assembly does not have tax-raising powers and must rely instead on the block grant provided by the British Exchequer. The money allocated under this grant is disbursed among the various Departments. As already stated, the budget of the Department of Health, Social Services and Public Safety was not reduced.

The refusal to build the centre at Altnagelvin, even though the money relating to the project has been ring-fenced, is playing on the fears of cancer sufferers in the north west. I am of the view that the North’s Minister for Health, Social Services and Public Safety is posturing and is trying, perhaps, to strengthen his hand as he enters negotiations with the Minister for Finance and Personnel on the need for additional funding. This is despite the fact that the entire block grant for the North is allocated to the Department of Health, Social Services and Public Safety.

It would be easy to take the view that this is a matter with which the northern Executive should deal. I am of the view that it is not an issue for the Executive because, in light of the unique governance arrangements that exist, the Minister for Health, Social Services and Public Safety is in a position to decide how his Department’s budget should be spent. If he decides that it will not be spent in particular areas, the northern Executive has no control over his actions. There is, however, a role for the southern Government. The need for the centre has long been recognised by the health Departments, North and South. This matter has been discussed by the North-South Ministerial Council on many occasions. I commend the Government in this State on its commitment to provide Exchequer funding to build the centre in the north west and to cover some of the operating costs. It is central for the people of Donegal and for the cancer strategy. I ask that the new Minister for Health and Children, who has this responsibility, would engage with her ministerial counterpart in the North to discuss and try to find a resolution to this issue as soon as possible.

Deputy John Moloney: I apologise to Deputy Doherty for the absence of the Tánaiste. I welcome the opportunity to set out the current position in regard to the proposed radiotherapy centre at Altnagelvin and radiotherapy services nationally. On average, approximately 24,000 new cases of invasive cancer, including non-melanoma skin cancer, are diagnosed each year. Current trends indicate that the number of cancers diagnosed each year is likely to double in the next 20 years.

It is against this background that the HSE’s national cancer control programme is being implemented. Its goals are better cancer prevention, detection and survival through a national service based on evidence and best practice. Part of the programme is the implementation of the national plan for radiation oncology, which was originally agreed by Government in July 2005. The plan is designed to provide the national infrastructure for radiation oncology for the next 25 years.

Phase 1 of the plan involves the construction of new facilities at Beaumont and St. James’s hospitals, with four linear accelerators in each. These new centres were completed at the end of last year. The two facilities, together with St. Luke’s Hospital in Rathgar, now form the St. Luke’s radiation oncology network for Dublin-mid-Leinster and Dublin north-east. This will provide sufficient capacity to deal with patient needs until at least 2015. Phase 2 of the national

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plan for radiation oncology will provide additional radiation oncology capacity at St. James's and Beaumont hospitals, Cork University Hospital and Galway University Hospital, with satellite centres at Limerick regional and Waterford regional hospitals.

To deal with the specifics raised by Deputy Doherty, there are particular geographic concerns that need to be addressed for patients in the north west. For that reason, the Government also decided in July 2005 that the best option for improving geographic access to radiation oncology services for patients in the north west was through North-South co-operation. It was therefore decided to facilitate access to Belfast City Hospital for patients needing radiation oncology treatment. A service level agreement has been in place with Belfast City Hospital for the provision of radiation oncology services to patients from Donegal since 2006.

The Government also decided it would consider a joint venture between North and South for the provision of services from a satellite centre in the north west, linked to Belfast City Hospital. In 2008, Mr. Michael McGimpsey, Minister at the Department of Health, Social Services and Public Safety in Northern Ireland announced that a new satellite radiotherapy centre would be established at Altnagelvin Hospital in Derry, linked to Belfast City Hospital, as part of Northern Ireland's plans for the provision of radiotherapy services beyond 2015. At that time, the former Minister, Deputy Harney, agreed to fully explore the opportunity presented for further collaboration in the delivery of those services.

The business case for the development at Altnagelvin has now been finalised and is under consideration by the Minister, Mr. McGimpsey. I am pleased to confirm that the Irish Government has committed to providing a significant capital contribution to the project. This contribution recognises the fact that approximately one third of the patients who will attend the Altnagelvin centre will be from Donegal and the surrounding areas. In addition, the national cancer control programme will contribute on an agreed basis to the operating costs in respect of patients from the Republic of Ireland who attend this service.

The Government is committed to working in partnership with colleagues in Northern Ireland on the development at Altnagelvin. The Department of Health and Children and the HSE have nominated representatives to the various sub-groups overseeing the development of this project. The discussion of patient pathways will include input from clinicians at Letterkenny General Hospital and St. Luke's Hospital who are currently involved in the delivery of radiotherapy services to patients in Letterkenny. The Government's financial contribution to the project was confirmed to the Minister, Mr. McGimpsey, in the past few weeks.

The Government is committed both to the radiotherapy centre at Altnagelvin and to the development of radiotherapy services nationally. Approximately half of cancer patients will require radiotherapy at some point in their illness and the aim is to ensure best outcomes for these patients regardless of location.

EU Habitats Directive

Deputy Paul Connaughton: It is ironic that I rise possibly for the last time on the Adjournment on a matter I have probably raised more often in this House than any other Deputy, namely, the effect of the EU habitats directive on the 32 raised bogs. I have a personal interest in the matter which I always declare in the House.

Just before last December, I and thousands of people throughout the country received a letter from the wildlife section of the Department of the Environment, Heritage and Local Government stating that as and from 1 January this year I would be prohibited from cutting a domestic supply of turf on our bogs, as we have done for generations. In that letter, the Minister stated that negotiations would take place about price and alternative local arrangements that

may come to pass between the stakeholders and the Department with a view to ascertaining whether there is any middle ground. To my knowledge, nothing has happened in that regard, as nothing happened in the previous two years.

I want to put on the record that this was a daft decision — I must put it that strongly. I accept that Ireland must implement the EU habitats directive, and Fine Gael has no difficulty with that. However, the method in which this directive has been handled in recent years is outrageous. This is at a time when the cost of home heating oil is at a high and is rising by the day, and when the Departments of State have not a penny to pay to anyone and will not have for some years. How will they find compensation for people who cannot cut turf on their bogs when there is not a penny in the Exchequer? I emphasise that this concerns people's domestic rather than commercial supply of turf. The freedom to cut this turf would ensure that the cost of importing oil was reduced somewhat.

Nothing in this affair makes sense. A halt should be called at this stage. An independent chairperson should be put in charge of an overall board where all the stakeholders, including the Department, are involved. The independence of such a board is crucial. The turf cutters should be allowed to cut for this cutting season and a management plan should be drawn up for every one of the 32 complexes of bog throughout the country. If the issue was approached in this manner, I have no doubt the Department and the Government of the day, whoever that is, would find the bog cutters would be helpful and flexible in coming to an accommodation.

My grandfather got this bog from the Land Commission in the 1930s, he transferred it to my father, I got it in due course and I am in the process of transferring it to my son. I am lucky enough to have a grandson and I hope his day will come. I do not want to be the link that broke in a generational chain or that I was in some way the cause of a situation where people could not cut their own supply of turf for domestic use in the middle of rural Ireland. Irrespective of what the culture of the day was, that would not make sense. I ask the Minister of State to do what he can. This is an issue that must be dealt with in his constituency as well.

Deputy John Moloney: I have heard Deputy Connaughton speak about this issue, which is clearly of great interest to him, on many occasions. I have been associated with turf-cutting in my own constituency of Laois-Offaly over the years. I may have plenty of time to cut turf in the future.

The State has a legal obligation under the habitats directive and under the Wildlife Acts to protect sites it has designated for conservation purposes. A number of sites have been designated for the protection of raised bog habitat within special areas of conservation, SACs, or natural heritage areas, NHAs. These make up just over 4% of bogland in the State where turf extraction is feasible.

Ireland's raised bogs are important and unique habitats hosting ecosystems that are extremely rare. In recent history almost all of western Europe's peatlands have disappeared or been severely damaged. While Ireland has approximately 60% of the remaining uncut areas, less than 1% remains of our active raised bog, that is, raised bog on which the indigenous flora are still growing and where peat is forming.

Scientific evidence has shown that turf-cutting and associated drainage, including cutting for domestic supply only, is incompatible with the preservation or restoration of raised bogs. For this reason, in May 2010, the Government confirmed the ending of the derogation which allowed a ten-year continuation of turf-cutting for domestic purposes on raised bog SACs and NHAs. Cutting is no longer permitted on the first 31 of these sites without the express consent of the Minister for the Environment, Heritage and Local Government. The Government has also decided that cutting will cease on a further 24 raised bog SACs from the end of this year

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and on 75 raised bog NHAs in 2013. The Government decision related to domestic cutting applies on selected raised bog protected sites — not blanket bogs, which are much more extensive in area. However, restrictions introduced in 1999 relating to turf-cutting on designated blanket bogs continue to apply.

It is not possible to reconsider this matter. Ireland has a clear legal obligation to protect these sites. To fail to do so would inevitably render the State liable to significant financial sanctions imposed by the European Court of Justice. The Government accepts there is a need to compensate those who have a legal right to cut turf in these designated sites and who will suffer a loss due to the restrictions arising from the protection of such sites. An interim compensation scheme was established to compensate those who have been cutting turf on the 31 raised bog sites on which cutting was no longer permitted from 2010. Just under €200,000 was paid out in 2010 to ensure those affected by that cessation had the means to provide alternative winter fuel.

The Department of the Environment, Heritage and Local Government and the Office of the Attorney General are examining how the interests of affected parties can be addressed in the longer term. The Minister, Deputy John Gormley, intends to revert to Government shortly regarding the arrangements for those affected by the requirement to cease turf-cutting on protected raised bogs, including putting in place appropriate compensation arrangements.

The Dáil adjourned at 5.20 p.m. until 2.30 p.m. on Tuesday, 25 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 10, inclusive, answered orally.

Natural Disasters

11. **Deputy Kathleen Lynch** asked the Minister for Foreign Affairs the assistance proposed at Irish and European level for those affected by the recent flooding in Brazil. [2885/11]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): Last week's dramatically heavy rains in south-eastern Brazil have resulted in that country's worst natural disaster for several decades. The deadly floods and mudslides caused by the severe weather conditions are estimated to have killed at least 600 people and to have left 13,500 people homeless and without shelter. Many of those affected were living in densely populated and hilly areas where thousands of impoverished people live in badly-built and poorly-constructed housing.

To date there has been no request or appeal to the international community for direct assistance by the Government of Brazil, which has earmarked some 780 million reais (€348 million) in initial emergency assistance and dispatched the army and other rescue teams to the worst-affected areas. These are being helped by thousands of local volunteers. We anticipate that the Brazilian Red Cross may draw on funds from the Red Cross Disaster Relief Emergency Fund (DREF) in the wake of the floods. Ireland has provided €4 million to this fund since 2008. Ireland is monitoring the situation closely in close coordination with our EU partners and will continue to do so in the days ahead.

EU Presidency

12. **Deputy Pat Breen** asked the Minister for Foreign Affairs if he will make a statement on the priorities set by the Hungarian Presidency for the period up to the end of June 2011. [2850/11]

Minister for Foreign Affairs (Deputy Brian Cowen): Hungary assumed the Presidency of the Council of Ministers for the first time on 1 January. The Hungarian government met the Commission on 7 January in Budapest to discuss its Presidency programme. Prime Minister Viktor Orbán presented the priorities to the European Parliament yesterday (19 January). The Hung-

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arian Presidency is placing a strong emphasis on coping with the economic and financial crisis, improving governance to avoid any recurrence, and working together to improve Europe's competitiveness and thus its share of future global growth. These are priorities which Ireland shares and we look forward to working in the next 6 months on the design of the future European Stability Mechanism (ESM), to reaching agreement on the package of six legislative proposals designed to strengthen the framework for economic governance, and to making our contribution to the European Semester process. This is being introduced for the first time and brings a greater EU dimension to fiscal and budgetary planning and to necessary structural reforms. Many of these fall within the Europe 2020 agenda which the Hungarian programme aims to push on with.

Budapest is also placing a strong emphasis on energy policy over the coming six months. EU leaders will convene for a European Council meeting dedicated to energy and innovation on 4 February. The Hungarian Presidency will maintain the enlargement process, seeking to conclude negotiations with Croatia, and continuing with Turkey and Iceland. The Presidency intends to host an Eastern Partnership Summit next May in Budapest. Hungary is also seeking to reach agreement on a European Framework for National Roma Integration strategies.

The priorities identified by the Hungarian Presidency are well-chosen, grounded in the longer term EU goals and correspond to areas where Ireland sees scope for synergy between EU and national actions. The Hungarian Presidency can be assured of our cooperation in working to achieve these objectives.

The modification of the EU treaties has introduced changes to the way the rotating Presidency must operate. The responsibility of chairing a very wide range of Council sessions and of working group meetings is very demanding and requires good preparation. A Presidency now has to factor in a European Parliament that is more assertive and has more competence as co-legislator. Coordination is crucial to success with the EU agenda and a Presidency needs in this regard to establish close working relations with the President of the European Council and with High Representative Ashton. These are all aspects on which we need to reflect as our own Presidency in the first half of 2013 draws closer.

Human Rights Issues

13. **Deputy Thomas P. Broughan** asked the Minister for Foreign Affairs his view on the safety and security of Christians in Iraq. [2874/11]

Minister for Foreign Affairs (Deputy Brian Cowen): I am gravely concerned about the recent upsurge in attacks against Christians in Iraq including the horrific attack against defenceless worshippers at Our Lady of Salvation Church in Baghdad on 31 October. I also condemn unreservedly the deplorable attack on 18 January against an Iraqi police recruitment centre in Tikrit which killed more than 50 people and wounded many more, most of whom were police recruits intent on improving security for all Iraqis. Those who perpetrate such violence are intent on destabilising Iraq as a whole. Ireland, together with the EU, is committed to ensuring that such efforts to fragment and undermine the pluralistic and democratic state of Iraq do not succeed. These attacks are a gruesome aberration from a general trend in recent months of decreasing violence in Iraq and must be stopped.

The formation of a new government in Iraq in December 2010 was an important step in the democratic development of a pluralistic Iraq in which Iraqi Christians, Muslims and people of other religions can peacefully co-exist. I strongly endorse the statement of the EU High Representative Ashton on 21 December welcoming the formation of the new government and pledging the EU's continued support to Iraq in its efforts to reconstruct the country and to

build and consolidate its democratic political system. The new government has many challenges ahead, including the pressing need to tackle the continuing violence in Iraq, and respecting and promoting the human rights of all Iraqis regardless of creed or ethnicity.

I call upon the new Iraqi government to take urgent and effective steps against terrorism so that all Iraqis can live in peace and security in their homeland. It is deeply regrettable for Iraq as a whole that its Christian community has decreased significantly in recent years because many Iraqi Christians have felt forced to emigrate from their home country due to fears for their safety. Iraq has had a Christian community since the early days of Christianity. The overall situation of Christian communities in the Middle East may be addressed as part of a wider discussion on the issue of freedom of religion and belief planned for the EU Foreign Affairs Council on 31 January.

Foreign Conflicts

14. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which the various crises, war, famine, genocide and human rights abuse throughout the African continent are being monitored, influenced or dealt with at both EU and UN levels; the extent to which particular focus has centred on the major flash points; the measures taken or expected by way of support or intervention; and if he will make a statement on the matter. [2890/11]

Minister for Foreign Affairs (Deputy Brian Cowen): Conflict, food shortages, human rights abuses are unfortunately still widespread in Africa despite considerable progress in recent years. The international community continues to intervene to address these issues on the African continent, whether on a bilateral or multilateral basis. It is not possible to go into details on all parts of this question in the time available, but in any event, the Deputy's question has been answered many times already in response to his previous questions. With regard to the issue of hunger and famine, it is estimated that more than a billion people today do not have enough food. Ireland is responding to this challenge, working bilaterally in our Programme Countries with our EU partners and other donors, and at a global level through the UN agencies.

With regard to security, UN and EU peacekeeping missions in Africa have a role in stabilising former and current conflict zones. Since the 1960s, members of the Irish Defence Forces have participated in numerous UN peacekeeping missions in Africa, and continue to do so. Eight members of the Defence Forces are currently serving with the UN missions in Western Sahara, the Democratic Republic of Congo and the Côte d'Ivoire. We have also participated in EU missions, such as EUFOR Chad where Ireland played a critical role protecting refugees and facilitating the delivery of aid. Currently five members of the Defence Forces are deployed in Uganda where the European Union Training Mission is providing training to Somali soldiers.

With regard to the thankfully rare cases of genocide, there are a number of current situations in Africa which give rise to continuing concern. The UN Special Adviser on the Prevention of Genocide is mandated to alert the international community to the potential of genocide in a particular country or region, and to make recommendations on actions to prevent or halt genocide.

Active participation in multilateral organisations such as the EU and the UN, in particular the Human Rights Council, provides opportunities for Ireland to voice its concerns regarding human rights abuses. Through these organisations, international pressure can be brought to bear on those responsible for the violation of human rights.

In developing a sustainable approach which properly addresses the root causes of all these issues Ireland takes the view that African leadership and responsibility are crucial. This is

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recognised by the EU and UN, which are both working to build the capacities of African States and the African Union to respond to these challenges. Ireland is committed to playing its part in this work, and I believe that our comprehensive and inclusive approach to these challenges stands the best chance of facilitating real and positive change in the lives of millions of people in Africa.

15. **Deputy Seán Sherlock** asked the Minister for Foreign Affairs his views on the recent ethnic and religious violence in Jos, Nigeria, which has led to the death of at least 18 people; and if he will make a statement on the matter. [2861/11]

Minister for Foreign Affairs (Deputy Brian Cowen): I have been very concerned by the most recent violence in and around Jos in Plateau State, Nigeria, where there have been more deaths in January, after the bombings in December. This follows on from violence over the past several years, which has been a result of ongoing tensions, and which the government has been attempting to settle. Since the violence in 2008 inter-religious dialogue has been pursued by the religious leaders in an effort to address the problems.

The Christmas Eve bombings in Jos, which claimed 80 lives, were somewhat different to Jos's traditional problems. They are widely believed to have been the work of Boko Haram, an Islamic fundamentalist group which has in recent months been increasing its activity in the north of the country. A number of Muslim religious leaders have publicly condemned the bombings. Since the bombings the tensions have been particularly high in Jos, and there have been further sporadic episodes of violence between the two communities, including the violence to which the deputy refers, which left 18 dead.

The Irish Embassy in Abuja, Nigeria, remained in regular contact with the Irish community in and around Jos throughout the violence. None of the Irish citizens contacted wished to leave and all remained safe. In the past the Embassy has provided some humanitarian funding to help victims of the violence, and is investigating, along with EU partners, other ways to be of assistance.

Although the violence in and around Jos has been predominantly between Christians and Muslims, I want to stress that the root causes are not sectarian, and indeed the violence has been frequently and repeatedly condemned by religious leaders, on both sides, who play an active role in trying to resolve the ongoing crisis. Rather the causes of the violence are deeply rooted and involve complicated ethnic and land issues. The State and Federal governments need to continue their efforts to address the root causes in order to prevent further recurrences.

Question No. 16 answered with Question No. 10.

Overseas Development Aid

17. **Deputy Joe Costello** asked the Minister for Foreign Affairs if he will make a statement on progress towards meeting the millennium development goals. [2872/11]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): The Millennium Development Goals (MDGs) were agreed by world leaders at the United Nations in 2000 as the framework for international development policy up to 2015. Last September, the Minister for Foreign Affairs and I represented Ireland at the Review Summit in New York, which assessed progress against each of the Goals and the measures required for their achievement 2015. At the Summit, Ireland focused strongly on the first of the MDGs, the reduction of extreme poverty and hunger, which is critical for progress across the full range of Goals. We also argued that international assistance must be directed more effectively to the issues and

the countries which have made least progress, notably in sub-Saharan Africa which is the geographic focus of Ireland's aid programme.

The Summit noted that there has been good progress in some areas since 2000, with remarkable improvements in primary school enrolment, access to clean water, child health and the treatment of HIV and AIDS. For instance, almost 90% of children in developing countries are now enrolled in primary education and 10,000 fewer children are dying each day from largely preventable diseases than in 1990. However, progress has been uneven. The actual number of people living with chronic hunger and in extreme poverty continues to increase. Progress on the reduction of maternal mortality has been far too slow.

At the Summit, Ireland took an international lead on the global hunger crisis. With the US Secretary of State, we organised a major international meeting which marked the launch of a new partnership between Governments, civil society and the private sector to address infant under-nutrition. The UN Secretary General, African political leaders and representatives of the private sector and international NGOs all expressed strong commitment to this ambitious new partnership. The Government remains strongly committed to working with our partners for the achievement of the MDGs, with a strong focus on sub-Saharan Africa and on the eradication of extreme poverty and hunger.

Natural Disasters

18. **Deputy Joan Burton** asked the Minister for Foreign Affairs his view on the plight of Haitians in view of the recent widely reported failures of governance, the delays in the task of reconstruction, the health risks which are now being reported, and the request from the non-governmental organisation sector for urgent international assistance. [2859/11]

27. **Deputy Martin Ferris** asked the Minister for Foreign Affairs the extent of aid provided to Haiti by Ireland to date to help deal with the devastation from the earthquake in January 2010. [2908/11]

31. **Deputy Jan O'Sullivan** asked the Minister for Foreign Affairs If he will provide a month on month account of the assistance, both financial and in terms of manpower, offered to the people of Haiti over the last year. [2880/11]

48. **Deputy Jan O'Sullivan** asked the Minister for Foreign Affairs the levels of assistance offered by Ireland to the people of Haiti following the natural disaster there of just over a year ago. [2879/11]

49. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he and his colleagues at EU and UN level have focused on the ongoing situation in Haiti in the aftermath of the earthquake; the extent to which the world aid programme is adequately focused in order to restore quality of life to some extent; if he has used his initiative to bring about a sufficiently co-ordinated effort on the part of the global community thereby illustrating the way such disastrous situations can be addressed rapidly, positively and effectively in a shorter time scale than appears to be the case; and if he will make a statement on the matter. [2891/11]

169. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs if he is satisfied that international aid has been adequately directed and focused in the aftermath of the disaster in Haiti; and if he will make a statement on the matter. [3228/11]

170. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he has with his EU and UN colleagues focused on the situation in Haiti in the aftermath of the earthquake; and if he will make a statement on the matter. [3229/11]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): I propose to take Questions Nos. 18, 27, 31, 48, 49, 169 and 170 together.

The earthquake in Haiti on 12 January 2010 was the greatest disaster to hit the country in more than 200 years, killing more than 230,000 people and reducing the capital, Port au Prince, to rubble. Among the survivors, more than 1.3 million people were made homeless and forced to take refuge in makeshift camps. While the international relief effort has made much progress over the last 12 months, the scale of the devastation is far beyond that of comparable humanitarian emergencies. The quantity of rubble to be cleared is estimated at more than 20 times that left behind following the attack on the World Trade Centre in New York in 2001, which took more than 18 months to remove.

The relief operation has also been hampered by the hurricane season, the ongoing cholera outbreak, as well as political uncertainty. Issues around land title have also contributed to the delay in beginning large scale reconstruction as many of those who lost their homes did not own the land on which they stood. There has, however, been some progress with sanitation being provided to the temporary camps, more than two million litres of clean water being supplied daily and more than 30,000 transitional shelters having been constructed. While the number of homeless remains unacceptably high at 800,000, this is a substantial improvement on the situation in the weeks immediately following the earthquake.

Nevertheless, it is clear that the pace of progress at present is simply too slow to respond to the needs of the Haitian population. It is vital that the international effort, led by the Interim Haiti Reconstruction Commission, make better progress in reconstruction while simultaneously addressing the immediate humanitarian needs of the population, particularly vulnerable groups such as women, children and people with disabilities

This parallel response has been adopted by the Government, through Irish Aid, in its approach to Haiti. During the immediate relief effort we concentrated on the provision of shelter and water through two humanitarian airlifts of emergency materials from our stockpiles. This was complemented by support to the United Nations and other humanitarian agencies for projects providing clean water and sanitation to those displaced in camps. Tens of thousands of people have benefited from the programmes. We have also provided vital technical skills via the deployment of fifteen members of our Rapid Response Corps.

In 2011 we will prioritise the protection of women and children, in response to ongoing concerns about their safety in the camps. In parallel, the Government contributed to the reconstruction effort in 2010 via a €1 million contribution to the Haiti Reconstruction Trust Fund. To date, Ireland has provided €8.6 million of the three year commitment of €13 million which I pledged on the Government's behalf at the Haiti Donor Conference in New York last March. A detailed breakdown of this funding and of our Rapid Response deployments will be made available to Deputy O'Sullivan and attached to the record of this Question. At the European level, latest information indicates that a total €522 million has been pledged by the European Commission and €330 million of this provided to Haiti to date. Total EU Commission and Member State funding provided to date is currently €780 million.

I saw for myself the conditions in which people are forced to live when I visited Haiti in July of last year. I remain convinced of the importance of the international community pulling together in a drive to make more sustainable progress in Haiti. Continued support will be needed in the months and years ahead if the Haitian people's efforts to recover from the events

of last year are to be successful. Ireland remains committed to playing its part in delivering this recovery.

Ireland's Funding to Haiti and Deployment of Humanitarian Experts from Ireland's Rapid Response Roster 2010

January 2010	€2,110,556 disbursed 3 RRI Deployments
February 2010	€239,401 disbursed 4 RRI Deployments
March 2010	€1,119,600 disbursed 1 RRI Deployment
April 2010	€28,638 disbursed 1 RRI Deployment
May 2010	€1,954,250 disbursed 1 RRI Deployment
June 2010	€141,501 disbursed 2 RRI Deployments
July 2010	€39,228 disbursed 2 RRI Deployments
August 2010	€139,364 disbursed
September 2010	€127,162 disbursed 1 RRI deployment
October 2010	€31,517 disbursed
November 2010	€697,263 disbursed
December 2010	€1,311,565 disbursed
January 2011	1 RRI deployment

In addition, funding of €700,166 was provided by Irish Aid in 2010 to several Non-Governmental Organisations (NGOs) as part of their work in Haiti. Since this funding was paid in tranches including funds for use in other countries, it is not possible to provide a monthly profile with regard to this funding.

Trade Relations

19. **Deputy Jim O’Keeffe** asked the Minister for Foreign Affairs if his attention has been drawn to the possibilities for the further development of trade, tourism and inward investment from Taiwan, which has one of the strongest economies in the world; if he has any proposals either directly or indirectly with other Departments and State agencies for the further promotion of trade, investment and tourism links with Taiwan; and if he will make a statement on the matter. [2854/11]

Minister for Foreign Affairs (Deputy Brian Cowen): I am conscious that Taiwan is an important market for Irish exporters. In 2009, our merchandise exports to Taiwan were €253million and imports were €279million. The total annual figures for 2010 are not yet available, but in the first three quarters merchandise exports were €141million and imports were €122m. The

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most recent data on services trade relates to 2009 when our services exports to Taiwan came to €351million and imports €51million.

The Institute for Trade and Investment of Ireland (ITII) was established in Taipei in 1989 and undertakes a range of activities related to the work of the State Agencies. ITII promotes Ireland as a location for investment from Taiwan. Enterprise Ireland (EI) avails of the services of ITII when necessary, in carrying out its role in promoting the development of Irish exports. This is in addition to the work of the EI office in Hong Kong which also has responsibilities in relation to the Taiwanese market.

There is scope for enhancing this trade relationship and I am satisfied that the State Agencies are continuing to work to identify opportunities in this regard. Enterprise Ireland, on an ongoing basis, assists Irish companies who wish to develop export markets in Taiwan. In addition, prospects for inward Foreign Direct Investment from Taiwan are analysed and pursued where appropriate.

Foreign Conflicts

20. **Deputy Bernard Allen** asked the Minister for Foreign Affairs the position regarding efforts to resolve the north/south Cypriot dispute and if there is a likely resolution to this problem in the near future. [2846/11]

Minister for Foreign Affairs (Deputy Brian Cowen): The UN has the lead role in the search for a comprehensive settlement in Cyprus and Ireland fully supports the leadership of UN Secretary General Ban Ki-moon and his Special Representative, Alexander Downer, in this important work. We continue to encourage both sides to work for progress towards the achievement of a bi-zonal, bi-communal federal state through an honourable, balanced and durable settlement protecting and guaranteeing the basic rights of all Cypriots. More than 90 rounds of talks have now taken place between the leaders of the two sides since the current phase of negotiations began in September 2008 under the auspices of the UN.

On 18 November, President Christofias, the leader of the Greek Cypriots, and Dervis Eroglu, the leader of the Turkish Cypriot community, met for tripartite talks with Secretary General Ban in New York. Secretary General Ban conveyed to them his disappointment at the lack of progress in the talks so far and urged them to redouble their efforts. Subsequently, in his annual report to the UN Security Council on the UN Good Offices Mission in Cyprus, Secretary General Ban warned that a window of opportunity was rapidly closing, and said he feared that the talks could 'founder fatally'. He urged the two leaders to come up with a practical plan for overcoming the remaining points of disagreement across all six chapters of negotiations by 26 January, when they are due to meet with him again in Geneva.

Secretary General Ban's latest intervention has had a positive effect. Talks have intensified in the lead-up to the Geneva meeting next week. President Christofias and Dervis Eroglu held talks on 6 and 15 December. Although meetings scheduled for 21 and 28 December had to be postponed due to Mr. Eroglu's departure to Ankara for surgery, representatives of the two leaders continued to meet in his absence. Both sides brought forward proposals aimed at overcoming their remaining points of disagreement, and the two leaders met again on 12 January. They will have a further meeting on 21 January before proceeding to Geneva to meet the UN Secretary General.

While it is reported that progress has been made on some of the negotiating chapters, there remain fundamental differences between the two sides on the difficult issues of property, terri-

tory and security. If there is to be a resolution in the near future, it is vital that progress is made in the coming months, in advance of the parliamentary elections in Cyprus and Turkey.

Official Engagements

21. **Deputy Róisín Shortall** asked the Minister for Foreign Affairs the preparations being made by him for the 16th session of the UN Human Rights Council; and if he will make a statement on the matter. [2875/11]

Minister for Foreign Affairs (Deputy Brian Cowen): The sixteenth regular session of the Human Rights Council (HRC) will take place from 28 February to 25 March 2011. As the Deputy may be aware, the annual High Level Segment takes place during the March session of the Council each year. This year it will take place from 28 February to 2 March. Officials from my Department have been working closely with European Union colleagues to prepare for this Council session. There are a number of points of interest arising at this session of the Council. The Council will consider a number of country-specific matters, including the renewal of the HRC mandates on Burma/Myanmar and the Democratic People's Republic of Korea. There will be several reports and resolutions on issues relating to the Middle East, including follow-up resolutions on the reports on the flotilla fact finding mission and on the Goldstone follow up report.

In line with traditional cooperation on initiatives on the rights of the child, the EU plans to jointly propose a resolution on this topic with the Group of Latin American and Caribbean Countries. This cooperation includes preparing for a full-day discussion on the resolution which this year will focus on the rights of children living and/or working on the street.

Ireland, as always, will play an active role at the Council in close cooperation with EU and other colleagues. In particular, Ireland will participate in the interactive dialogue with the Special Rapporteur on Human Rights Defenders, given our commitment to supporting human rights defenders and the work of the Special Rapporteur.

International Agreements

22. **Deputy Ciarán Lynch** asked the Minister for Foreign Affairs his views on the implications of the most recent developments in relation to the US — India nuclear agreement and the International Atomic Energy Agency; and if he will make a statement on the matter. [2863/11]

Minister for Foreign Affairs (Deputy Brian Cowen): During his visit to India in November 2010, President Obama issued a Joint Statement with Indian Prime Minister Singh which addressed, *inter alia*, India's possible membership of four multilateral export control regimes: the Wassenaar Arrangement, the Australia Group, the Missile Technology Control Regime and the Nuclear Suppliers Group (NSG). Ireland is a member of all four bodies. Of the four, the NSG is of critical importance aiming as it does to prevent nuclear proliferation by regulating the export and transfer of nuclear materials.

In India, President Obama pledged US support for Indian membership of the four regimes in a "phased manner" and promised US engagement to encourage the evolution of regime membership criteria, "consistent with maintaining the core principles of these regimes". The US has indicated that it would welcome the opening of discussions of NSG membership for India at the Group's next plenary meeting in mid-2011 but has not yet brought forward any proposals. For our part we acknowledge the merit of having an agreed mechanism that would allow for cooperation with India in areas that would benefit the NSG as a whole and we will carefully consider all ideas as to how this could be achieved.

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Deputies will be aware that nuclear disarmament and non-proliferation and strengthening of the Nuclear Non-Proliferation Treaty have been long-standing foreign policy priorities for successive Irish Governments. As the Deputy will recall, Ireland reluctantly joined consensus at the NSG in September 2008 on a US proposal that NSG Guidelines be amended to allow for civilian nuclear trade with India, which has not joined the NPT, one of only three States not to do so. While we made clear at the time our appreciation of the strong reasons which had led the Indian Government to seek a secure and plentiful supply of energy in order to address poverty and promote development, we also expressed concerns about the implications for the NPT.

We stated that we expected India to honour all the commitments it made at that time, and that any breach of them would require the NSG to review its decision. Among those commitments was the conclusion of a Safeguards Agreement with the International Atomic Energy Agency (IAEA) together with an Additional Protocol. I welcome the fact that these agreements are now in place. These will allow the IAEA to verify that certain declared Indian nuclear material and facilities are used for peaceful purposes only.

Foreign Conflicts

23. **Deputy Joe Costello** asked the Minister for Foreign Affairs his view on the current tensions between North and South Korea; the discussions he has had at EU level on this matter; and if he will make a statement on the matter. [2871/11]

Minister for Foreign Affairs (Deputy Brian Cowen): Unfortunately, a series of unilateral provocations by North Korea over the last year has caused relations on the Korean peninsula to deteriorate significantly. The sinking of a South Korean naval vessel along the disputed border in the Yellow Sea in March, the announcement of new uranium enrichment at Yangbyon nuclear power plant and the November artillery strikes on Yeonpyeong Island, in which four people were killed, have raised tensions to a new high.

Some speculation suggests that the bellicose and confrontational approach taken by North Korea is designed to place pressure on the United States and South Korea to resume bilateral and Six Party Talks. Other observers believe that it reflects political manoeuvring and power plays within the North Korean regime itself following the news earlier this year of a possible leadership succession. Whatever the exact reasoning may be, such attacks by North Korea have the potential to spark an all-out war on the peninsula with dire implications for the peace and stability of the region as a whole.

Despite North Korea recently signalling its desire to hold talks to defuse the current tensions, it has yet to give any firm commitments on de-nuclearisation or to undertake real confidence building measures. Given past experience in dealing with the North Korean regime, it is understandable that South Korea, the United States and many in the international community are dubious about the North's motives in making this offer of talks.

The Korean peninsula is regularly discussed with our partners in the European Union and in our bilateral discussions with other countries. It was also discussed at the EU-South Korea summit held in Brussels during October last, with both sides agreeing to consult with each other on the best way to promote peace and stability on the peninsula. Although the EU is not directly involved in the Six Party Talks, it can play a positive role in the region.

The Government has condemned the attacks by North Korea and appealed for restraint. This message was also passed directly by a senior official at the Department of Foreign Affairs to the North Korean Ambassador at a meeting in Dublin last November. Despite the current

state of inter-Korean relations, genuine dialogue remains the best option of securing lasting peace on the peninsula. Although it will be difficult, the necessary conditions for such talks to take place can be achieved if the relevant parties work together with this common goal in sight.

24. **Deputy James Bannon** asked the Minister for Foreign Affairs if he is satisfied that following recent elections in Bosnia Herzegovina the possibility of a break-up of the country that is the Federation of Bosnia Herzegovina and the Republica Srpska has lessened; and if he will make a statement on the matter. [2849/11]

Minister for Foreign Affairs (Deputy Brian Cowen): The general election in Bosnia-Herzegovina on 3 October saw gains for moderates in the Bosniak-Croat Federation, while the ruling party, the Alliance of Independent Social Democrats, did well in the Republika Srpska. Under Bosnia-Herzegovina's complex constitutional system — a legacy of the Dayton peace agreement — the government formation process can take some time. Talks are currently underway between political parties on the formation of a state-level government.

The pace of progress on necessary constitutional and political reforms in Bosnia-Herzegovina in recent years has been disappointing. It is important that the newly elected political leaders give fresh impetus to domestic reforms to ensure Bosnia-Herzegovina moves forward on its path towards the EU. The EU is ready to play its part by encouraging political leaders in Bosnia-Herzegovina to engage in constructive dialogue and by assisting with the reform process. However, the key to progress lies with the political parties themselves. The territorial integrity of the state of Bosnia-Herzegovina is a basic principle for the international community in its policy towards the Western Balkans. While the maintenance of territorial integrity is essentially a matter for domestic politicians, the international community and those with influence within the region have a special responsibility in this regard.

The General Affairs Council in December welcomed Bosnia-Herzegovina's recent steps towards improved regional cooperation and reconciliation. The Council noted Bosnia-Herzegovina's good progress related to visa liberalisation and encouraged the country to match this progress in other EU related reform areas. The Council welcomed the increased turnout and the orderly conduct of the 3 October general election and called on the newly elected leaders of the country to engage constructively in political dialogue in order to develop a shared vision on the future of the country and to anchor the EU agenda at the heart of their governments' programme. Ministers also reiterated the EU's unequivocal commitment to the European perspective of Bosnia-Herzegovina and reaffirmed its unequivocal commitment to the territorial integrity of Bosnia-Herzegovina as a sovereign and united country.

During his visit to Dublin last week, Serbian Foreign Minister Vuk Jeremic was cautiously optimistic about developments in Bosnia-Herzegovina and in the Western Balkans more generally. He outlined the improvements which have taken place in Serbia's relations with Bosnia-Herzegovina in the past year. In particular he highlighted the significance of the declaration last March by the parliament of Serbia condemning the Srebrenica massacre. This was followed by a joint visit by the Serbian and Croatian Presidents to Bosnia-Herzegovina for the Srebrenica commemoration in July 2010.

It is vital that the newly elected political leaders engage constructively on making the necessary constitutional reforms to allow Bosnia-Herzegovina move forward on its path towards the EU. The improved relationships and important acts of reconciliation we have seen in the Western Balkans region should assist in this process.

25. **Deputy Michael D. Higgins** asked the Minister for Foreign Affairs his view on the present position in southern Sudan and such briefings as he may have received on border and resource issues as may arise following the recent referendum. [2856/11]

Minister for Foreign Affairs (Deputy Brian Cowen): Polling in the referendum on self-determination for Southern Sudan which began on 9 January ended, as scheduled, on 15 January and counting of votes has now commenced. The authorities in Sudan, and the United Nations which provided logistical support, are to be commended for the way in which the referendum has been conducted. In its preliminary report, the EU Election Observation Mission has said the vote took place in a calm, peaceful and orderly environment. I salute the people of Southern Sudan for the patient and dignified manner in which they exercised their right to self-determination in the referendum.

Regrettably there were some deaths, but incidents of violence were isolated and did not overshadow the atmosphere of restraint and celebration which, overall, has characterised the referendum. While it will take some time before the final result is known, all indications point to a decision in favour of separation for Southern Sudan from the rest of Sudan. Encouragingly, the Southern Sudan Referendum Commission has indicated that the 60% threshold for turnout in the referendum required under the Comprehensive Peace Agreement of 2005 has been exceeded.

President Bashir and the Sudanese Government have indicated they will accept the outcome of the vote and this is to be warmly welcomed. So, too, are a number of positive developments which have taken place since the close of voting. In particular, tensions have been defused in the contested district of Abyei by an agreement between local leaders to provide secure passage for Southerners transiting the region from the North and to allow the annual pastoral migration of the Missiriya tribe. The call by the president of the Government of Southern Sudan, Salva Kiir, for a spirit of forgiveness towards the North for the events of the civil war is also to be welcomed.

There are a number of challenges which remain to be addressed by the parties, North and South, in the period ahead, in particular how to resolve the status of Abyei, where a separate referendum was due to be held on 9 January. The African Union, through the efforts of its High level Panel chaired by former South African President Thabo Mbeki, is continuing its efforts to facilitate agreement on this issue as well as on a range of post-referendum issues including citizenship, border demarcation, and the division of oil revenues. The Comprehensive Peace Agreement provides for a transition period of six months in the event of an outcome in favour of separation and an intensification of political efforts on all sides is now required.

The weeks and months ahead will be crucial to the political process in Sudan and a spirit of collaboration on the part of the authorities in Khartoum and Juba will be necessary if agreement is to be reached on these issues. It is also essential that the international community maintain its support to both parties and to the people of North and South Sudan as they embark on a new future. The Foreign Affairs Council will have an opportunity to discuss how the EU can continue to contribute to this process when it meets in Brussels later this month.

Human Rights Issues

26. **Deputy Pat Rabbitte** asked the Minister for Foreign Affairs if he has plans to establish a committee to examine the subject of extraordinary rendition. [2883/11]

Minister for Foreign Affairs (Deputy Brian Cowen): The Government is completely opposed to the practice of extraordinary rendition. The Government has actively engaged and cooperated fully with all multilateral organisations which have examined this issue. I have no plans to establish a Committee to examine the subject of extraordinary rendition.

Question No. 27 answered with Question No. 18.

Foreign Conflicts

28. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he will support the lifting of restrictions on the Basque political party Batasuna to allow the development of a genuinely inclusive political process in the Basque country. [2906/11]

38. **Deputy Joanna Tuffy** asked the Minister for Foreign Affairs the position regarding recent developments and the prospects for peace in the Basque country; and if he will make a statement on the matter. [2866/11]

41. **Deputy Aengus Ó Snodaigh** asked the Minister for Foreign Affairs if he will welcome the recent declaration of a permanent ceasefire by ETA and welcome the opportunities this initiative provides to bring a lasting peace to the Basque country. [2905/11]

Minister for Foreign Affairs (Deputy Brian Cowen): I propose to take Questions Nos. 28, 38 and 41 together.

I would be supportive of any development that could contribute to the permanent ending of violence by ETA and lead to peace in the Basque Country. I would pay particular heed and be guided in the first instance in this by the assessment of the Spanish authorities.

In that context, I have noted the statements by the Spanish Government and indeed by other political parties and groups in Spain on the most recent ETA ceasefire announcement on 10 January. The Spanish Government has stated that while this development represents some progress towards a definitive end to ETA's campaign of violence, the content of the statement is nonetheless insufficient to warrant any change in current Spanish Government policy. Both Prime Minister Zapatero and Interior Minister Rubalcaba have said that what ETA needs to do is to abandon its arms and declare its own dissolution as a terrorist organisation, unconditionally and in a definitive and irreversible manner.

The Spanish Government has also been clear that any change in the status of the currently illegal Batasuna party is dependent on either ETA definitively and irreversibly leaving violence behind, or the breaking of all ties between Batasuna and ETA. I also note the continuing active consultations among all democratic parties in Spain and in the Basque Country on how the Basque Government could best take forward the search for peace and the meetings which took place last week between Prime Minister Zapatero and elected Basque political leaders. I very much welcome this process.

Natural Disasters

29. **Deputy Seán Sherlock** asked the Minister for Foreign Affairs if he has conveyed the sympathies of the Irish people to the Australian Government and the people of Queensland experiencing the terrible effects of flooding on their lands, homes and families; if he has received a report of the position in general; and if consular services are being offered to any Irish citizens or émigrés caught up in the flooding. [2862/11]

Minister for Foreign Affairs (Deputy Brian Cowen): In light of the very severe flooding currently affecting Australia, and Queensland in particular, sympathy was conveyed by the Minister for Foreign Affairs to the Australian Government and people. The Irish Embassy in Canberra and the Consulate General in Sydney continue to monitor the situation and are providing reports on an ongoing basis. The Embassy is in continuous contact with Irish community organisations in Queensland.

On the basis of the reports received, the Department of Foreign Affairs has advised travellers to avoid disaster areas and recommended to people in flooded areas to follow all advice and

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directions from local emergency services and police. To date, no requests for consular assistance have been received from Irish citizens. Irish citizens affected by the floods can, of course, avail of the extensive assistance being offered by the Queensland State Authorities. The Embassy in Canberra and the Consulate General in Sydney stand ready to provide assistance, should it be required.

EU Enlargement

30. **Deputy Richard Bruton** asked the Minister for Foreign Affairs the position regarding Croatia's application to join the European Union; and if he will make a statement on the matter. [2852/11]

37. **Deputy Jim O'Keeffe** asked the Minister for Foreign Affairs the current state of the EU expansion programme for the accession of new member states; when Croatia, which has reached the final phase of the accession negotiations with the Commission will become a member; and if he will make a statement on the matter. [2855/11]

160. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the position regarding EU membership for the remaining Balkan states; and if he will make a statement on the matter. [3219/11]

172. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the current position regarding progress on EU enlargement; and if he will make a statement on the matter. [3231/11]

Minister for Foreign Affairs (Deputy Brian Cowen): I propose to take Questions Nos. 30, 37, 160 and 172 together.

In November 2010 the European Commission published its Enlargement Strategy for 2011 and Progress Reports on the candidate and potential candidate countries. The General Affairs Council discussed that Enlargement Package in December. The Council conclusions broadly shared the Commission's assessment that Enlargement continues to be an important part of EU policy that furthers stability and provides incentives for political and economic reform in candidate countries. There are currently three candidate countries negotiating accession to the EU: Croatia, negotiations for which are nearing completion; Turkey, for which progress remains slow, in part because of complications from the Cyprus issue; and Iceland, which is beginning the process.

Regarding Croatia, the General Affairs Council conclusions confirmed that Croatia's accession negotiations have reached their "final phase" and noted that "conclusion of the negotiations is within reach". The Council also noted that full cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) remains essential. In its report the Commission concluded that there is still work to do in terms of fundamental rights and judicial reform if Croatia wants to avoid a Cooperation and Verification Mechanism after accession.

Ireland has been supportive of the Croatian candidacy and looks forward to completion of negotiations, according to the relevant conditions and benchmarks being met. At the most recent Intergovernmental Conference between Croatia and the EU on 22 December, a further three negotiation chapters were closed, bringing the total now provisionally closed to 28 out of 35. As Enlargement is a negotiated process, the eventual outcome and timeframe, as in any negotiation, cannot be predetermined. Once accession negotiations are concluded, there are still a number of steps to be followed before membership, including drafting of an Accession

Treaty, referral to the European Parliament and the Commission, agreement at European Council level and then ratification by each of the EU member states and by the candidate country itself.

Regarding the Western Balkans, the December General Affairs Council reaffirmed its commitment to the Balkans' European perspective, which is seen as essential for stability and reconciliation in the region. Progress towards achieving candidate status for the Western Balkan states must be based on "fair and rigorous conditionality" and be according to a country's own merits and track record in implementing Stabilisation and Association Agreement obligations.

The December European Council granted candidate status to Montenegro, which now joins Macedonia as an official candidate country for EU accession, but with which the EU has yet to open negotiations. There are a further four countries in the Western Balkans which are regarded as potential candidates: Albania, Serbia, Bosnia and Herzegovina, and Kosovo. Albania submitted an accession application on 28 April 2009. The Commission delivered its opinion on the application in November 2010 recommending that negotiations be opened with Albania only when a number of key reform priorities are addressed. Serbia submitted an accession application on 22 December 2009. The application has been referred to the Commission for an opinion which is expected in the second half of 2011. Bosnia and Herzegovina and Kosovo have not applied for membership of the EU as yet, though a Stabilisation and Association Agreement has been signed with Bosnia and Herzegovina which will enter into force once the ratification process has been completed.

Question No. 31 answered with Question No. 18.

Foreign Conflicts

32. **Deputy Emmet Stagg** asked the Minister for Foreign Affairs his views on the status of what has been described as the unofficial truce between Israel and Hamas; the prognosis he sees in the region, specifically in Gaza, over the coming months; and if he will make a statement on the matter. [2887/11]

Minister for Foreign Affairs (Deputy Brian Cowen): Since the conclusion of the Gaza conflict in January 2009, the use of military force between Gaza and Israel, in both directions, has considerably abated. Hamas has broadly refrained from rocket or mortar attacks into Israel, and has acted with some degree of success to restrict such attacks by other militant groups in Gaza. Nonetheless, there have been continuing mortar and missile attacks into Israel from Gaza, aimed generally at civilian targets, and Israeli aerial attacks on militants in Gaza or the tunnels used for smuggling, which are described as retaliation. All of these actions are greatly reduced from the period before the conflict, but nonetheless still result in not inconsiderable death and injury, as well as potentially inflaming the situation once again.

The Government has called many times, as has the EU, for such completely unjustified missile attacks into Israel to halt. It is reliably reported in recent weeks that Hamas has now concluded a formal ceasefire agreement with most of the other militant groups in Gaza, to bring about an end to these missile attacks, and thus avoid provoking Israeli retaliation. This is a very positive and long overdue development, and I hope very strongly that it can be maintained as a reality on the ground. Both Israelis and Palestinians are entitled to live free of the fear of attack.

There remain other areas of concern in relation to military activity, notably the arbitrary restriction by Israel of the operations of Gazan fishing boats, and the maintenance by Israel of a 500 metre free fire zone on the approaches to its border fence from inside Gaza, which it is

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reported may be extended to 1 km. Many inhabitants of Gaza continue to be killed or injured by Israeli forces for entering this zone, and while some are undoubtedly militants seeking to attack the border, many others are farmers or civilians seeking to work their land or recover scrap materials. Almost 20% of the cultivatable land of Gaza lies in this zone.

Nonetheless, this strengthening of the tacit ceasefire could lead in due course to a wider amelioration of the situation in Gaza. I would hope that it might create conditions which could lead to the long discussed prisoner release agreement, and the long overdue release of Sergeant Shalit, now in his fifth year of unwarranted captivity in Gaza. I would also hope that an easing of tension might help advance the issue of Palestinian reconciliation, which would strengthen President Abbas as he works to achieve a comprehensive negotiated settlement, while also encouraging Hamas to follow a more political approach.

Side by side with these issues is our overarching concern with the continuing Israeli blockade of Gaza, which continues to dominate and negatively impact on the lives of the people of Gaza. Recent measures to ease the blockade have, so far, proved inadequate and we need to see much greater action from Israel and more quickly, if conditions in Gaza are to be genuinely improved. This is a process we are watching closely in the EU.

Finally, in dealing with the prospects for Gaza, I would take this opportunity to again pay tribute here in the Dáil to the work of John Ging in Gaza over the last five years, as he moves on to greater and well deserved responsibilities in the UN system. For the outlook in the region more generally, I refer the deputy to my reply to Priority Question No 5 today.

Human Rights Issues

33. **Deputy Seán Barrett** asked the Minister for Foreign Affairs the steps he is taking to support a family (details supplied) whose son was shot dead in Bolivia and who have petitioned the United Nations to investigate the circumstances surrounding the shooting; and if he will make a statement on the matter. [2845/11]

Minister for Foreign Affairs (Deputy Brian Cowen): The Deputy is referring to the case of Michael Dwyer, who was shot dead by the Bolivian State Security Services on 16 April 2009 in Santa Cruz, Bolivia. From the outset, every effort has been made to establish the facts surrounding the death of Mr Dwyer and to provide all possible consular assistance to his family. Minister Micheál Martin wrote to the UN Special Rapporteur for Extra-Judicial, Summary or Arbitrary Executions in May 2010 to support his efforts in seeking clarification from the Bolivian authorities of the events which led to the death of Mr Dwyer. The Special Rapporteur, whose mandate includes communications with Governments about alleged cases of unlawful killings, is expected to present his report to the Human Rights Council in the near future. I wish to assure you that I and my officials will persist in our efforts to clarify the circumstances surrounding Mr Dwyer's death and will continue to remain in direct contact with the Dwyer family.

34. **Deputy Pat Rabbitte** asked the Minister for Foreign Affairs his views on revelations regarding overflights and rendition flights concerning Ireland made in recent weeks, which appear to raise questions about the integrity of the response given by him to the Council of Europe at the time regarding such incidents. [2884/11]

Minister for Foreign Affairs (Deputy Brian Cowen): It is not my practice to comment on matters contained in leaked documents which have no official standing. Ireland's response in

February 2006 to the Secretary General's Article 52 Questionnaire circulated by the Secretary General of the Council of Europe was and remains accurate.

EU Presidency

35. **Deputy Joanna Tuffy** asked the Minister for Foreign Affairs his position regarding recent proposals in Hungary that would restrict the right to freedom of speech and the implications from this that arise for the Hungarian Presidency of the European Union which has just begun. [2865/11]

Minister for Foreign Affairs (Deputy Brian Cowen): Widespread international concern has been expressed about the “Law on Media Services and Mass Communication” recently introduced by the Hungarian government, including suggestions that the legislation could undermine the EU's capacity to advocate in favour of freedom of expression in third countries. The Irish Government, understandably, would be concerned at such suggestions. The European Commission has written to the Hungarian government, seeking further information on the new legislation and in particular its compatibility with, and conformity to, European legislation. In an initial response, the Hungarian government has maintained that the provisions of the new law are similar to those contained in legislation on supervision of the media adopted by other European countries and that it considers the law to be in line with EU legislation.

Speaking after his meeting with the Hungarian government on 7 January in Budapest, European Commission President José Manuel Barroso said that he had “received assurances from the (Hungarian) Prime Minister that the law is drawn up, and will be implemented, in full respect of European Union values on media freedom and relevant EU legislation”, and that “the Prime Minister equally made clear that adjustments would be made, should the Commission, after a legal assessment, find that this is not the case for all aspects of the law”. The Government will closely follow the Commission's assessment of the legislation.

Foreign Conflicts

36. **Deputy Mary Upton** asked the Minister for Foreign Affairs if he will make a statement on the recent assassination of a person (details supplied) in Pakistan; and the political repercussions this event may have. [2867/11]

Minister for Foreign Affairs (Deputy Brian Cowen): On 4 January, Mr. Salman Taseer, the Governor of Punjab Province, a close associate of President Asif Ali Zardari, was killed in Islamabad by a member of his security detail. The Pakistani Government has ordered an inquiry into the killing. However, it is believed that he was killed after speaking out publicly against Pakistan's blasphemy laws. The killing has been marked by three days of national mourning and flags lowered to half-mast on public buildings in Pakistan.

The public response of some religious scholars in seemingly welcoming the assassination has raised tensions with the government and highlighted the continued challenges faced by those engaged in the reform of human rights and governance in Pakistan. Governor Taseer had taken a high profile stand against Pakistan's blasphemy laws. His public declarations on religious tolerance in Pakistan were deeply resented by extremists. The following quote from the late Governor a week before his death is particularly poignant: ‘My observation on minorities: A man or nation is judged by how they support those who are weaker than them and not how they lean on those who are stronger’. The late Governor had made representations on behalf of Ms. Asia Bibi, a Christian woman, who was sentenced to death under the blasphemy law. In bilateral discussions with the Pakistani Government, Irish officials expressed grave concern

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at Ms. Bibi's conviction and sentence and our disquiet at the nature of Pakistan's blasphemy law.

There are signs of growing political instability in Pakistan. The recent withdrawal for one week from the ruling coalition of the Muttahida Qaumi Movement, the second largest political party in government, has led to increased pressure on President Zardari and the ruling Pakistan People's Party. This instability has come at a time of deep concern about the growing influence of extreme religious elements in Pakistan and the dangers faced by those who speak out against them. The EU is committed to strengthening the capacity of institutions in Pakistan to support the promotion of human rights, including religious tolerance.

Question No. 37 answered with Question No. 30.

Question No. 38 answered with Question No. 28.

Natural Disasters

39. **Deputy Ruairí Quinn** asked the Minister for Foreign Affairs if Irish nationals and the Irish embassy were impacted by the recent flooding in South Africa which struck Johannesburg and Pretoria. [2878/11]

Minister for Foreign Affairs (Deputy Brian Cowen): I am pleased to inform the Deputy that our Embassy in Pretoria has received no requests from Irish citizens affected by the tragic flooding in South Africa, and is not aware of any Irish citizens facing serious difficulties due to it. The Embassy is located in a part of Pretoria that was not impacted by the flooding. Our Embassy has been asked to continue to monitor closely the situation and to provide all possible support to any Irish nationals that may require assistance.

Diplomatic Representation

40. **Deputy Eamon Gilmore** asked the Minister for Foreign Affairs if he will give details of messages of congratulations he has issued to the newly elected President of Brazil. [2858/11]

Minister for Foreign Affairs (Deputy Brian Cowen): Dilma Rousseff was inaugurated as the 36th President of the Federative Republic of Brazil, having taken 56% of the vote in the second-round of the elections, which took place on 31 October 2010. The Taoiseach, Brian Cowen, T.D. wrote to congratulate President-elect Rousseff immediately after the election. Following President Rousseff's inauguration and the appointment of the new Government, Minister Micheál Martin wrote to congratulate the incoming Minister for Foreign Affairs, Antonio Patriota. Ireland and Brazil have long enjoyed close bilateral relations and it is my hope that this relationship will continue to grow under President Rousseff's presidency.

Question No.41 answered with Question No. 28.

Human Rights Issues

42. **Deputy Róisín Shortall** asked the Minister for Foreign Affairs his views on the arrests of candidates, journalists and human rights activists in the wake of the presidential election in Belarus; and if he will make a statement on the matter. [2876/11]

51. **Deputy Seán Barrett** asked the Minister for Foreign Affairs the action he and his colleagues in the EU will take to commence whatever action can be taken to deal with the serious situation evolving in Belarus where those supporting democracy are being jailed without trial

and where actions are being taken to prevent the free reporting of information and the hacking of independent websites; and if he will make a statement on the matter. [2844/11]

Minister for Foreign Affairs (Deputy Brian Cowen): I propose to take Questions Nos. 42 and 51 together.

Ireland strongly condemns the violence and widespread arrests which followed the presidential election in Belarus on 19 December 2010. In particular we condemn the disproportionate use of force against presidential candidates, political activists, representatives of civil society and journalists. We also call for the release of presidential candidates and demonstrators taken into custody in the wake of the election.

In its preliminary findings on the conduct of the presidential election, the OSCE-led international election observation mission (which included seven Irish observers) reported serious problems with the electoral process and the vote count. The election and its aftermath clearly represents a step backwards from the hoped for development of democratic governance and respect for human rights in Belarus.

Evolving events in Belarus are being followed closely by the EU and our representatives are working on a package of measures. Ireland has argued for a firm and swift response by the EU. The EU High Representative for Foreign Affairs, Catherine Ashton, met with representatives of the Belarusian opposition and civil society in Brussels on 12 January. The High Representative underlined the EU's solidarity with and support for those detained on political grounds and their families in the aftermath of the election.

The High Representative also met with Belarusian Foreign Minister Sergei Martynov in Brussels on 12 January. She reiterated the EU's condemnation of the violent crack-down against demonstrators, widespread arrests and harassment of civil society representatives in the aftermath of the election. She insisted on the immediate release of those detained on political grounds and on an immediate end to the persecution of opposition, democratic forces and representatives of civil society. She also informed Minister Martynov that the EU was looking into appropriate measures in response to the post-election events, with a view to decisions to be taken at the Foreign Affairs Council of 31 January 2011.

The EU has always made it clear that it is ready to engage positively with Belarus. However, this policy is conditional on respect for the principles of democracy, the rule of law and human rights. Without substantial progress in these areas, relations cannot improve. At the same time, I believe it is also important — perhaps now more than ever — that the EU continues reach out to civil society in Belarus. Ireland has developed a close relationship with the people of Belarus over the last two decades, particularly through the important work of NGOs. This is a relationship that we have grown to value. Ireland will continue to reach out and engage with the people of Belarus to support the emergence of an open and democratic society.

43. **Deputy Eamon Gilmore** asked the Minister for Foreign Affairs if he and European Union Ministers have been briefed on the results of the election monitoring teams' reports on the recent presidential elections in Cote D'Ivoire; and his views on recent statements of concern relating to that portion of the vote derived from cities in France. [2857/11]

50. **Deputy Mary Upton** asked the Minister for Foreign Affairs his views on recent reports that political instability in Cote d'Ivoire and the flight of refugees which may number in the first instance as many as 18,000 according to the United Nations High Commissioner for Refugees, may impact on stability in neighbouring Liberia; and if he will make a statement on the matter. [2868/11]

Minister for Foreign Affairs (Deputy Brian Cowen): I propose to take Questions Nos. 43 and 50 together.

The first round of Presidential elections was held in Cote d'Ivoire on 31 October 2010, after having been initially scheduled for 2005. With no outright winner, a second round was held on 28 November, in which President Laurent Gbagbo faced opposition leader Alassane Ouattara. Both rounds of the election were observed by an EU electoral observation mission. In advance of the second round, there was serious tension, and some violence, but the voting situation was considered to be regular in the majority of those stations observed by the EU. It should be borne in mind of course that the EU mission was only in a position to observe polling at a limited number of polling stations, and that EU and local observers as well as others, did observe some instances of intimidation and irregularities.

On 2 December the Independent Electoral Commission (IEC) released results of the election, declaring Mr Ouattara the winner. However, the President of the Constitutional Council declared that the results were null and void, on the basis that the IEC had exceeded its time limit for a declaration of the result, and citing irregularities in Mr. Ouattara's northern base where it cancelled returns from four regions. The Constitutional Council then declared President Gbagbo the winner.

The European Union, African Union (AU), Economic Community of West African States (ECOWAS), United Nations and US have all formally recognised Ouattara as the duly elected President after the announcement by the IEC. After Gbagbo was sworn in, ECOWAS suspended Cote d'Ivoire from the group and the AU suspended Côte d'Ivoire from all AU activities. On 18 December, Gbagbo ordered all UN peacekeepers to leave the country. However, the UN refused, and the Security Council extended the mandate of the UN Mission in Côte d'Ivoire until June 30, 2011. African mediation teams, from ECOWAS and the AU, have visited Cote d'Ivoire and have been in negotiations with President Gbagbo but without visible result so far.

On 22nd December the EU agreed to impose travel restrictions and an asset freeze on a number of people in Cote d'Ivoire who were identified as obstructing the process of peace and national reconciliation, and in particular those jeopardising the proper outcome of the electoral process. Since then the list has been expanded.

With regard to the humanitarian situation, the UN warned last week that the humanitarian consequences of the violence in Côte d'Ivoire will rapidly worsen if the political crisis is not urgently resolved. Over 23,500 Ivoirians have already fled to neighbouring countries over the past five weeks, the vast majority to Liberia, amid growing fear and insecurity. At least 17,500 others are internally displaced in the west of Cote D'Ivoire, the majority of them women and school-age children. In Liberia, the Government is working closely with UN agencies and NGO partners but Liberia's capacity to respond to the influx of refugees is limited

The situation has not thus far impacted negatively on the stability of Liberia. However, Ireland together with our EU partners, is continuing to monitor the situation on the ground both in the Cote D'Ivoire and neighbouring countries such as Liberia where many of those affected have fled. UN agencies are already able to draw on funds which we provide every year to the UN's Central Emergency Response Fund, a pool of funding that is held within the UN and can be released within hours of an emergency. We will examine the possibility of providing additional direct support to agencies operating with those displaced by the unrest should this prove necessary.

The EU also supports African leadership on this issue and strongly supports a peaceful resolution to the situation, where the will of the people as expressed in the election is respected, without further injuries or loss of life.

Question No. 44 answered with Question No. 10.

Foreign Conflicts

45. **Deputy Ruairí Quinn** asked the Minister for Foreign Affairs his views on the implications for regional stability of the recent collapse of the ruling coalition of the Lebanon; and if he will make a statement on the matter. [2877/11]

Minister for Foreign Affairs (Deputy Brian Cowen): My Department is closely following events in the Lebanon following the collapse of the Government of National Unity on 12 January. The current crisis in the Lebanon has serious implications, not only for Lebanon itself to which, subject to securing the necessary Dáil approval, it is hoped to dispatch a contingent from the Defence Forces to serve with UNIFIL II in the coming months, but also for the region and for the prospects of achieving a comprehensive peace agreement to the Israeli-Arab conflict. It is therefore vital that a new government commanding broad support is formed as quickly as possible, in a calm, peaceful and constitutional manner.

I understand that Lebanese President Michel Suleiman will initiate in coming days a process of parliamentary consultations regarding a new government. At the end of this process, it is expected that a new Prime Minister designate will be appointed, who will then begin the task of forming a new coalition. During this process, Saad Hariri will continue to act as ‘caretaker’ Prime Minister. The international community is actively working to assist Lebanese political leaders in their work to form a new government. The EU, through a statement issued by High Representative Ashton on 12 January, has called on all political actors in Lebanon to work constructively to seek a negotiated solution to the current situation. The leaders of Syria, Qatar and Turkey met in Damascus on 17 January to discuss the crisis and try to seek a way forward. In the meantime, interim Prime Minister Saad Hariri has the full support of Ireland, together with our EU partners. The situation in Lebanon will be discussed at the next EU Foreign Affairs council on 31 January.

I urge all Lebanese political parties to work together peacefully, to respect the results of the 2009 election, and to follow the constitutional process to form a new government. It is also worth underlining that the work of the Special Tribunal for Lebanon was initiated by the UN Security Council under Chapter VII and will continue, notwithstanding the current difficulties in Lebanon. Ireland and the EU continue to support strongly the work of the Special Tribunal and its independent investigations, aimed at promoting international justice and contributing to end impunity and promote stability within Lebanon and the region.

Human Rights Issues

46. **Deputy Ciarán Lynch** asked the Minister for Foreign Affairs if he will respond to the most recent reports regarding the Baha’i community of Iran. [2864/11]

Minister for Foreign Affairs (Deputy Brian Cowen): I refer the Deputy to previous replies on this matter including Question 268 of 16 December 2010 and Question 626 of 12 January 2011. The Government is very conscious of the discriminatory treatment of the Baha’i community in Iran and of the particular case of the seven former Baha’i community leaders (known collectively as the Yaran), who have been in detention since 2008 and were sentenced to 20 years’ imprisonment in August 2010, with this sentence subsequently being reduced to ten years. Minister Martin raised the case of the seven imprisoned Baha’i leaders, and matters relating to human rights and religious freedom generally, directly with the Iranian authorities at the highest levels, including with the Iranian Foreign Minister in June last year. In addition, my Department frequently conveys our concerns on such matters to the Iranian Ambassador

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here. Officials of my Department also meet regularly with members of the Baha'i community in Ireland.

The EU has also been active in raising the discriminatory treatment of the Baha'i community in Iran with the Iranian authorities. The EU High Representative issued a strong declaration on 12 August, which Ireland fully supported, following the sentencing of the seven Baha'i leaders, expressing the EU's serious concern, calling for their immediate release and calling on Iran to put an end to the persecution of the Baha'i community.

The Government is extremely concerned about the sentencing of the Baha'i leaders and other signs of the continued and indeed worsening oppression of the Baha'i minority, including reports of the detention of other Baha'i community members, the denial of education and the violation of property rights. It would appear that the Iranian authorities are persecuting a minority for their religious beliefs and that they are actively trying to suppress that faith. Ireland will continue to call strongly for the immediate release of the seven Baha'i leaders and the end to the persecution of members of this faith in Iran, including through bilateral contacts, with our EU partners and at the UN.

47. **Deputy Thomas P. Broughan** asked the Minister for Foreign Affairs his views on recent reports of further persecutions of members of the Ahmadiyya community in Pakistan.
[2873/11]

Minister for Foreign Affairs (Deputy Brian Cowen): As stated in response to previous Parliamentary Questions regarding the Ahmadiyya community in Pakistan, most recently on 7 December, the promotion of religious tolerance is a key objective in our bilateral and European Union relations with Pakistan. The Government condemns in the strongest terms all attacks on and persecution of the Ahmadiyya community, a particularly vulnerable minority in Pakistan.

The attacks which took place in Lahore on the 28 May last year were especially heinous. A group of seven Islamic militants attacked two Mosques with machine guns, grenades and suicide bombs, resulting in the deaths of ninety four innocent people with many more left maimed and wounded. Three days later, a further attack was made on the hospital in Lahore where victims and one of the alleged attackers were under treatment. This led to a shoot-out in which at least a further 12 people, mostly police officers and hospital staff, were killed. In our bilateral contacts with Pakistan, we have emphasised the importance of maintaining adequate protection for minorities in Pakistan. A senior official of the Department of Foreign Affairs raised our concerns in this regard with the Pakistani Ambassador recently. Minority and human rights issues were also discussed at political consultations held with Pakistan in Islamabad during February last year.

At the European Union level we are actively working to ensure that the wide range of fundamental human rights and more specifically, the promotion of religious tolerance, are on the agenda for our discussions with Pakistan. Human rights were also discussed during the European Union-Pakistan Summit held in Brussels in June last year.

For its part, the Pakistani Government has given clear commitments to protect religious minorities and to promote religious tolerance. The activities of the independent national Human Rights Commission of Pakistan are to be welcomed, including their public position on the obligation of the State to protect the lives of all citizens in Pakistan, including members of the minority Ahmadiyya community.

Ireland will continue to work closely with our EU and international partners to secure respect for the human rights of all minorities in Pakistan. The recent assassination of the Governor of

Punjab province, Mr. Salman Taseer, serves to highlight the difficulties faced by those working to secure progress on these issues in Pakistan.

Questions Nos. 48 and 49 answered with Question No. 18.

Question No. 50 answered with Question No. 43.

Question No. 51 answered with Question No. 42.

Departmental Correspondence

52. **Deputy John O'Mahony** asked the Tánaiste and Minister for Education and Skills, further to Parliamentary Question No, 221 of 27 October 2010 and No. 65 of 25 November 2010, the reason she has not sent correspondence to a person (details supplied) in County Mayo. [2998/11]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The matter raised by the Deputy has been addressed.

Departmental Agencies

53. **Deputy Richard Bruton** asked the Tánaiste and Minister for Education and Skills the number of State agencies identified for abolition or merger in her Department; the number of agencies which have been merged or abolished to date in her Department; the total net savings which have been made in respect of each State agency arising from its merger or abolition in her Department; the likely date for merger or abolition and the reason for the delay in respect of each State agency which has not already been merged with another State agency or abolished in her Department; and if she will make a statement on the matter. [3004/11]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): The following is the information requested by the Deputy. The Educational Disadvantage Committee was formally abolished in October 2008. If provision was to be made for the Committee's reconstitution it would be of the order of €100,000 per annum.

The National Adult Learning Council was formally disbanded in October 2008. While the Council had not met since 2003 and no expenditure had been incurred since that time it is estimated that to have proceeded as originally envisaged would have involved significant additional expenditure.

The Centre for Early Childhood Development and Education was closed in September 2008. Recurrent annual funding for the Centre was in the region of €1m.

As a result of a government decision taken in June 2009 agreeing to new arrangements to promote, regulate and co-ordinate the internationalisation of the Irish Education Services both the International Education Board of Ireland (IEBI) and the Advisory Council for English Language Schools (ACELS) ceased operations from December 2009. Improving the efficient provision of the services given by ACELS and IEBI was the primary objective of their rationalisation, rather than the achievement of cost savings. As savings achieved are likely to be offset to some extent by cost transfers to Enterprise Ireland and the HEA, the precise quantification of cost savings is not possible.

In January 2010 the Government approved the drafting of the Qualifications and Quality Assurance (Education and Training) Bill, which provides for the amalgamation of the National Qualifications Authority of Ireland (NQAI), the Higher Education and Training Awards Council (HETAC) and the Further Education and Training Awards Council (FETAC). Prep-

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aration of the Bill is at an advanced stage and it is anticipated that it will be published during the current session. Allowing time for passage of the legislation and subsequent establishment, the amalgamation will take place in the second half of 2011.

As a result of a Government decision taken in October 2010, the number of VECs will reduce to 16. Discussions are ongoing with the relevant management and staffing interests in relation to the implementation of this decision and work has commenced with regard to the consideration of legislative changes. Precise savings are not known at this stage.

Higher Education Grants

54. **Deputy Finian McGrath** asked the Tánaiste and Minister for Education and Skills if she will support the case of a person (details supplied). [3063/11]

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.

Apart from the funding provided through the student grant schemes, the Department also provides funding to approved third level institutions to operate a Student Assistant Fund to assist students in exceptional financial need. Information on the fund is available from the Student Access Officer at the student's college.

School Accommodation

55. **Deputy Michael Kennedy** asked the Tánaiste and Minister for Education and Skills the way the prefab accommodation at a school (details supplied) in north County Dublin will be improved upon; and if she will make a statement on the matter. [3069/11]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Officials from my Department visited the school referred to by the Deputy in October 2010 and examined the prefabs at the school. The prefabs were found to be in good condition and well maintained. However if the management authority of the school in question feel that improvement works to the prefabs are necessary they may apply to my Department for grant aid for such works and any application received will be considered.

School Transport

56. **Deputy Martin Ferris** asked the Tánaiste and Minister for Education and Skills, further to Parliamentary Question No. 78 of 13 January 2011, if she will issue an authorisation to allow a person (details supplied) in County Kerry to avail of transport to a school which fulfils the criteria outlined in the response. [3071/11]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): Under the terms of the School Transport Scheme for Children with Special Needs, pupils meeting Department criteria and attending their nearest special unit in a mainstream primary school which is resourced to meet the educational needs of the pupils, are eligible for school transport

for the duration of their attendance at these special units. I understand that the pupil referred to by the Deputy, in the details supplied, is no longer attending the special unit at the school.

Consequently, the pupil is now assessed for transport eligibility under the terms of the Primary School Transport Scheme. Under this scheme, pupils are eligible for school transport if they reside 3.2 kilometres or more from and are attending their nearest primary school, as determined by my Department. Bus Éireann, which operates the school transport schemes on behalf of my Department, has advised that the school of attendance is not the pupil's nearest primary school and therefore this pupil is not eligible for school transport.

Special Educational Needs

57. **Deputy Terence Flanagan** asked the Tánaiste and Minister for Education and Skills the position regarding a special needs assistant in respect of a person (details supplied) in Dublin 17; and if she will make a statement on the matter. [3091/11]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): As the Deputy will be aware, the National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support.

In considering applications for teaching and SNA support for individual pupils, the SENOs take account of the needs identified in the professional reports and decide whether the circumstances come within the Department's criteria. They then consider the resources available to the school to identify whether additionality is needed or whether the school might reasonably be expected to meet the needs of the pupil from its current level of resources.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on www.ncse.ie. I have arranged for the details supplied to be forwarded to the NCSE for their attention and direct reply.

Higher Education Grants

58. **Deputy Michael Creed** asked the Tánaiste and Minister for Education and Skills if she will reconsider the proposed changes to the higher education grants scheme as it applies to the adjacent and non-adjacent rates from September 2011 in view of the fact that these will have a particularly detrimental effect on independent mature students who have fixed outgoings and commitments; if she will reconsider the proposals as they apply to this category of student; and if she will make a statement on the matter. [3094/11]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): Additional cost pressures will be brought to bear on the student grant schemes in 2011. These include a significant increase in the number of students qualifying for grants, a proportionate increase in the number of students qualifying for higher rates of grants and payment of the Student Contribution on behalf of grant-holders. To manage these cost pressures, it was necessary to introduce a number of cost saving measures.

These savings measures included removal of the automatic eligibility of mature students to the higher non-adjacent rate of grant. This will come into effect from the start of the 2011/12 academic year. However, mature students who reside 45 kilometres or more from their higher education institution will continue to be eligible for the higher non-adjacent rate of grant. While the different measures announced in the Budget will result in changes to the rate of

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grant payable, none of the measures will result in a student losing a grant or becoming ineligible for a grant.

In fact, students qualifying for a grant will continue to receive substantial grant funding, together with full support for payment of the Student Contribution. Those on particularly low incomes will also continue to receive a significant “top-up” in the special rate of maintenance grant. In addition, some €5m will continue to be made available through the access offices of third-level institutions to assist students in exceptional financial need. The access offices themselves will also continue to provide support and advice to students to enable them to continue with their studies.

Special Educational Needs

59. **Deputy Michael Ring** asked the Tánaiste and Minister for Education and Skills when a unit will be provided for a school (details supplied) in County Mayo. [3097/11]

Tánaiste and Minister for Education and Skills (Deputy Mary Coughlan): As the Deputy will be aware, the National Council for Special Education is responsible, through its network of local Special Educational Needs Organisers, for the establishment of special classes for autism and for allocating resource teachers and special needs assistants to schools to support children with special needs. In excess of 420 autism-specific classes at primary and post primary level have now been approved around the country.

All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child’s special educational needs, using the contact details available on www.ncse.ie. I have arranged for the details supplied to be forwarded to the NCSE for their attention and direct reply.

Institutes of Technology

60. **Deputy John O’Donoghue** asked the Tánaiste and Minister for Education and Skills the implications the Hunt report will have on the Tralee Institute of Technology, County Kerry; and if she will make a statement on the matter. [3107/11]

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 Strategy address all aspects of the higher education system, including how it is governed, resourced and can be empowered to evolve and respond to the needs of all students and the wider community in an environment where the quality of teaching and learning is paramount.

The new Strategy also 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.

Traveller Education

61. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills the reasons she has withdrawn the visiting teachers' service for Travellers; the effect this withdrawal of service will have on the travelling community; the numbers benefiting from this service; the number of teachers affected; if jobs will be lost as a result; if any analysis has been carried out to evaluate this service; the outcome of such review; if she will publish same and if not, why not; if any consultations have taken place with Traveller organisations, community groups or teachers or any other parties involved directly in this service; the details of same; the recommendations or views of any such group; the full cost of the service per annum and each cost subhead; the way the service can be supplied in the future; if she will reconsider her decision; and if she will make a statement on the matter. [3152/11]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): In recent years substantial improvements have been made with regard to the number of Traveller children participating in the education system. Information to hand indicates that participation at primary level and transition to post-primary is very close to 100%. In September 2009, 8,301 Traveller children were enrolled in age appropriate classes in primary schools and 3,014 were enrolled at Post-Primary level.

The decision to remove this service is just one of a range of measures, included in the National Recovery Plan 2011 to 2014, to secure some €24m in savings in the 2011/2012 school year. The service will therefore be discontinued with effect from 31 August 2011. My Department is currently engaged in discussions with unions representing the Visiting Teachers to address issues of concern for them.

This service has cost in the region of €2.8million each year. At present there are 41 posts in this service. Until September 2009 the Visiting Teachers Service for Travellers was managed directly by the Regional Office Directorate within my Department. In September 2009 the Service was transferred to the National Education Welfare Board to be integrated with existing school support services. No formal evaluation of the service has been undertaken.

The Report and Recommendations for a Traveller Education Strategy was launched in 2006, following wide-ranging consultation with relevant stakeholders including Traveller representative groups, and covers all aspects of Traveller education from pre-school to further and higher education. The principle of inclusion is at the core of the strategy and future provision must focus on the development of more inclusive and intercultural school practice and environment through the whole school planning process, admissions policies, codes of behaviour and whole school evaluation. A key aim of the strategy is to enhance access and education service delivery to Travellers. Future provision will focus on 'individual educational need' rather than 'Traveller identity'. This will depend on a number of factors including the successful implementation of the recommendations of the strategy and the redistribution in favour of provision on the basis of identified educational need of Traveller students and the need for my Department to prioritise the available resources to maximum effect across the education sector to enhance educational outcomes for all including Traveller children and adults.

The set of measures included in the National Recovery Plan 2011 to 2014 impacts on every sector of the public service and will unquestionably lead to significant challenges for schools as well as the Department in the coming years. The major challenge will undoubtedly be to seek improved outcomes for children with fewer resources.

FÁS Training Programmes

62. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills if she

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will provide the following information in tabular form for each such year and on the following dates: 1 October 2008, 1 October 2009 and 1 October 2010; the number of persons in permanent employment with FÁS; the number directly employed in the position of training instructor direct; the number employed in administration indirect; the number employed in management roles indirect; the number of additional part-time and or temporary staff employed in management and or administration; the number of training centres operated to full capacity by location and numbers for each such centre and the number of classrooms and workshops that were or are idle in each such FÁS centre by location. [3153/11]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): In response to the question the following information has been compiled.

Table 1 below provides a breakdown of FÁS permanent staff as at the end of 2008, 2009 and as at November 2010. In addition to these staff, at the end of 2008 there were approximately 50 temporary instructors and 40 other temporary staff; at the end of 2009 there were 3 temporary instructors and 8 other temporary staff; and as at November 2010 there were 2 temporary staff (1 instructor and 1 other).

Table 2 below provides the number of training centres operated by FÁS in 2008, 2009 and 2010. Table 3 sets out the training centres by location indicating the number of instructors together with the number of idle classrooms and workshops. A review of all FÁS Training Centres was conducted on 9th December 2010 to establish the number of idle classrooms and workshops nationwide. This information was not available for previous years and therefore has not been included in my reply. Idle has been defined as not occupied on the day of the review, Thursday 9th December 2010. A classroom or workshop is not idle if a course is in progress; if a course is scheduled to commence; if trainees normally occupying the classroom are on work experience or in-company training; if it is a shared classroom; or if it is being used for night training.

Table 1

FÁS Permanent Staff	Year		
	As at end of 2008	As at end of 2009	As at end of November 2010
Instructors (direct)	436	368	325
Other direct (non-management) staff in Training Services	481	438	465
Management in Training Services	129	116	98
Training Services Total	1046	922	888
Employment and Community Services Total	745	785	778
Management, administration and support services Total	392	338	320
Total Permanent Staff	2,183	2,045	1,986

Table 2

	2008	2009	2010**
No. of FÁS Training Centres	18	17*	17

*Jervis Street Training Centre closed on 31st July 2009.

**Cabra Training Centre closed on 24th December 2010.

Table 3

Training Centre Location	No. of Instructors*	No. of Idle Classrooms**	No. of Idle Workshops***
Dundalk	15	1	2
Gweedore	3	0	2
Letterkenny	9	1	4
Sligo	7.66	1	8
Athlone	25	1	1
Waterford	30	0	5
Limerick	30	1	3
Shannon	12	0	4
Baldoyle	25.78	3	4
Ballyfermot	20	0	3
Cabra	15		
Finglas	21	1	5
Loughlinstown	16	2	3
Tallaght	12	3	10
Tralee	21	3	6
Cork	38	1	5
Galway	18	1	4
Head Office	7		
Total	325.44	19	69

Please note that Cabra Training Centre is scheduled to close on 24th December 2010

*Numbers are based on full-time equivalents. They include 7 Instructors in Head Office E-college support.

**Idle classrooms as per review carried out Nationwide on 9th December 2010.

***Idle workshops as per review carried out Nationwide on 9th December 2010.

63. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills the number of qualified experienced training instructors that have been transferred away from training to administration duties over the past 12 months. [3154/11]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): In the last twelve months a total of 12 qualified instructors have moved permanently out of direct training delivery. Of these 12, 10 have transferred to frontline duties in Employment Services and Community Services. The remaining 2 have moved into the training related area of assessment and curriculum. A further 32 instructors have moved on temporary assignment from direct training delivery into the training related area of assessment and curriculum. These transfers have occurred as a result of a sharp downturn in construction-related training activity, together with increased demands in other areas of FÁS activities including Employment Services.

64. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills the number of private training contractors currently engaged by FÁS compared to 2008 and 2009 figures. [3155/11]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): As at 1st November 2010 a total of 86 private training contractors were being engaged by FÁS in the provision of training services. Since the beginning of 2010 FÁS has engaged a total of 120 such training companies. The table below indicates how this figure compares with the number engaged in 2008 and 2009.

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Year	Number of Private Contractors
2010 (year to date as at 1 November)	120
2009	104
2008	56

Higher Education Grants

65. **Deputy Jan O’Sullivan** asked the Tánaiste and Minister for Education and Skills if she has made progress in addressing the problem of accessing the EU Globalisation Fund for higher education fees for courses that have been undertaken by former workers in companies (details supplied) which will not be completed when the fund runs out; if she will ensure that these persons can be funded to complete their courses; and if she will make a statement on the matter. [3158/11]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): The European Commission Decision of 22 December 2009 awarding a financial contribution from the European Global Adjustment Fund (EGF) to finance active labour market measures following the redundancies in Dell and ancillary enterprises states that Ireland shall use the EGF financial contribution by 28 June 2011. The European Commission is currently reviewing the scope of the current EGF Regulation. In the context, inter alia, of this review, the Department has highlighted to the Commission the type of issues raised in the Deputy’s question.

Upon the elapse of the relevant EGF expenditure period beneficiaries may be eligible for support in accordance with the regulations governing the operation of the Department’s Free Fees and student support schemes dependent on their individual circumstances. Apart from the Free Fees Initiative the main financial support available to students in higher education is the Maintenance Grant. Students who are entering approved courses are eligible for financial assistance where they satisfy the relevant conditions including those relating to residence, means, age, nationality and previous academic attainment.

Eligibility for grant assistance is a matter for the relevant local authority or VEC to establish in line with the terms of the relevant schemes. Students should apply to their local authority or VEC to establish their eligibility. Detailed information on financial supports for students can be found on the website www.studentfinance.ie. The Department will continue to monitor any relevant developments in this matter in the context in particular of the European Commission review of the EGF Regulation.

Site Acquisitions

66. **Deputy Paul Gogarty** asked the Tánaiste and Minister for Education and Skills that rationale behind the deal whereby South Dublin County Council will be paid in excess of the market rate for a school site at the former green waste facility in Lucan; and if she will make a statement on the matter. [3167/11]

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.

Higher Education Grants

67. **Deputy Michael Ring** asked the Tánaiste and Minister for Education and Skills when a person (details supplied) in County Mayo will be awarded the third level maintenance grant as the non-payment of this grant is causing financial hardship. [3174/11]

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.

Disadvantaged Status

68. **Deputy Fergus O'Dowd** asked the Tánaiste and Minister for Education and Skills her views on the issues raised in correspondence (details supplied); and if she will make a statement on the matter. [3189/11]

Minister of State at the Department of Education and Skills (Deputy Seán Haughey): 2057The Government has published the National Recovery Plan 2011 to 2014. The plan includes measures to secure some €24 million in savings in the 2011/2012 school year. These measures will lead to a reduction of up to approximately 1,200 posts in 2011 (700 primary, 500 post-primary) which, however, will be partly offset by the addition of some 875 new posts due to demographics.

The measures to reduce teacher posts includes the removal of the Rural Coordinator service from 331 rural DEIS primary schools. This measure will not affect the provision of HSCL services which remain in 200 post primary and 345 urban primary participating in DEIS. DEIS rural primary schools will continue to receive the following supports: additional capitation funding based on level of disadvantage; additional funding for schools books; access to the School Meals Programme; access to numeracy/literacy supports and measures; access to planning supports and; access to a range of professional development supports.

Tax Code

69. **Deputy Mary Upton** asked the Minister for Finance if his attention has been drawn to

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the hardship the carbon tax charge is having on the elderly (details supplied); and if he will make a statement on the matter. [3050/11]

Minister for Finance (Deputy Brian Lenihan): I announced in the 2010 Budget the introduction of a carbon tax at a rate of €15 per tonne on fossil fuels. The tax was applied to petrol and auto-diesel with effect from midnight, 9 December 2009; and applied from 1 May 2010 to kerosene, marked gas oil (also known as ‘green diesel’ or ‘agricultural diesel’), liquid petroleum gas (LPG), fuel oil and natural gas. The application of the tax to coal and commercial peat is subject to a Commencement Order. Based on studies carried out by the ESRI, the overall direct impact on households will be between €2 and €3 per week.

The Minister for Communications, Energy and Natural Resources is working closely with the Ministers for Social Protection and Environment, Heritage and Local Government to deliver a fully cohesive Government response to the challenges of addressing energy affordability in Ireland through a combination of institutional supports, investments in improving the energy efficiency of housing stock and wide availability of advice on energy efficiency.

The affordable energy strategy will be the framework for building on the measures already in place to protect households at risk from the effects of energy poverty. The Household Benefits Package and the National Fuel Scheme is available for qualifying individuals from the Department of Social Protection. The Household Benefits Package provides support for individuals towards heating costs through the electricity or gas allowances. The national fuel scheme provides a weekly winter payment for 32 weeks from September to April. In view of the harsh winter conditions I announced a €14 million allocation to the fuel allowance scheme to enable a payment of €40 to households that receive the fuel allowance payment in Budget 2011.

Legislative Programme

70. **Deputy John O’Donoghue** asked the Minister for Finance if he will consider including the Betting, Gaming and Lotteries (Unclaimed Winnings) Bill 2010 provisions into the forthcoming Betting (Amendment) Bill; and if he will make a statement on the matter. [3117/11]

Minister for Finance (Deputy Brian Lenihan): I have no plans to include the Betting, Gaming and Lotteries (Unclaimed Winnings) Bill 2010 provisions into the Betting (Amendment) Bill.

Departmental Properties

71. **Deputy Róisín Shortall** asked the Minister for Finance if his attention has been drawn to the lack of maintenance of a site (details supplied); the illegal dumping in the site; the allegation from local residents that the area is being used as a storage area by local criminals and the fact that the site is attracting much anti-social activity for nearby residents; if he will immediately take measures to address these problems; and if he will make a statement on the matter. [3160/11]

Minister of State at the Department of Finance (Deputy Martin Mansergh): Since the vacating of the property by the Department of Justice, Equality and Law Reform was finalised at the end of May 2010, security and maintenance works have been provided by the Commissioners of Public Works on an ongoing basis. This has included the removal of illegally dumped materials. There is a regular security presence on the site and all recorded information on anti-social activity is passed on to An Garda Síochána for its attention. The level of intervention required is kept under constant review by OPW.

Tax Collection

72. **Deputy Mary O'Rourke** asked the Minister for Finance if he will review the case of a person (details supplied) in County Westmeath whose deductions under the universal social contract appear excessive. [3240/11]

Minister for Finance (Deputy Brian Lenihan): The position is that the Universal Social Charge (USC) is applied at the following rates:

- 2% on the first €10,036 (€193 per week)
- 4% on the next €5,980 (€193.01 to €308.00 per week) and
- 7% on the balance.

For persons over 70 years of age the USC is applied at the following rates:

- 2% on the first €10,036 (€193 per week)
- 4% on the balance.

I am advised by the Revenue Commissioners that they have contacted the employer of the person in question to ascertain the amount of deductions paid under the USC. Revenue have confirmed that based on his gross salary, the employer has deducted the correct amount of USC.

State Agencies

73. **Deputy Richard Bruton** asked the Minister for Finance the number of State agencies identified for abolition or merger; the number of agencies which have been merged or abolished to date; the total net savings which have been made in respect of each State agency arising from its merger or abolition; the likely date for merger or abolition in respect of each State agency which has not already been merged with another State agency or abolished; his plans to further reduce the number of State agencies, in tabular form; and if he will make a statement on the matter. [2999/11]

Minister for Finance (Deputy Brian Lenihan): In Budget 2009, I announced 30 agency rationalisation measures involving a reduction of 41 bodies and the streamlining of certain other functions. To date, 19 agency rationalisations measure have been completed and information on these proposals, including estimated savings in terms of expenditure and staff reductions as reported to my Department is set out in Table 1 below.

Information on the outstanding measures is set out in Table 2. In summary, 7 measures have target completion dates in 2011 and progress is also being pursued in respect of four other measures. The Deputy will note that some of the measures marked down for completion in 2011 have already been partially implemented. As regards projected savings, the experience to date is that it is often difficult to make definitive savings projections when the functions of agencies and bodies are being transferred or consolidated. Such matters only tend to become clear at, or shortly after, the commencement of the implementation phase.

In addition to the general round of agency rationalisation referred to above, there have also been a number of other developments. Information on 6 additional rationalisation decisions involving a reduction of 23 bodies is set out in Table 3. I would also draw the Deputy's attention to Page 69 of the *National Recovery Plan 2011-2014* where it is stated that the programme of

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State Agency rationalisation that commenced in 2008 will continue with a particular emphasis on:

- reducing the number and range of agencies;
- redeploying staff to areas of greatest need;
- improving governance and performance arrangements; and
- sharing services

The reduction in expenditure allocations over the period of the *National Recovery Plan 2011-2014* in conjunction with revised employment ceilings will, accordingly, require continued progress across Departments and Offices in the rationalisation of Agencies as appropriate.

Table 1

	Completed Rationalisations — No. refers to the number of the proposal in the Budget measures.	Savings 2009 (estimated figures in advance of outturns)	Savings 2010	Long-term Savings on an annual basis — after bedding down	Max. Staff Nos (2006-09) WTE	Current Staff delivering services (end-09) WTE	Staff Reduction WTE
1	2. Abolition of the National Crime Council. The 2009 allocation was €0.5m. It was serviced by Departmental staff resources that are now available for other work.	€0.392	€0.394m	€0.394m	n/a	n/a	n/a
2	3. Amalgamation of the Censorship of Publications Board & its Appeals Board with the Office for Film Classification — no saving included as this was an efficiency/effectiveness measure to ensure the ongoing existence of the function for when/if it is required in the future. The Irish Film Classification Office has a 2011 allocation of €1.2m, down from €1.4m in 2008.				n/a	n/a	n/a
3	4. Cease funding of the National Consultative Committee on Racism & Interculturalism. 2008 outturn was €0.5m.	€0.628m	€0.628m	€0.628m	n/a	n/a	n/a
4	6. Merger of the Rent Tribunal and the Private Residential Tenancies Board completed on an administrative basis. The Rent Tribunal received €42,000 in 2008 and had an allocation of €37,000 in 2009. The PRTB will be self-financing from 2010 on. It received €3.8m in 2008, €1.0m in 2009 and no Exchequer support in 2010.	0	€0.07m	€0.1m	41.43	40	1.43
5	8. Abolition of the Education Disadvantage Committee — the EDC received €0.1m in 2008	€0.1m	€0.1m	€0.1m (comparator — 2008 allocation)	n/a	n/a	n/a
6	9. Formal disbandment of the National Adult Learning Council — it received €50,000 in 2008. Council was disbanded in October 2008.	€0.05m	€0.05m	€0.05m (comparator — 2008 allocation)	n/a	n/a	n/a
7	10. Closure of the Centre for Early Childhood Development & Education — the 2008 allocation was €1.2m. Following its closure in November 2008, DES continued to provide €0.4m towards early childhood	€0.83m	€0.83m	€0.83m	7	1	6

Table 1 — *continued*

	Completed Rationalisations — No. refers to the number of the proposal in the Budget measures.	Savings 2009 (estimated figures in advance of outturns)	Savings 2010	Long-term Savings on an annual basis — after bedding down	Max. Staff Nos (2006-09) WTE	Current Staff delivering services (end-09) WTE	Staff Reduction WTE
8	11. Merger of the Central & Regional Fisheries Boards to form Inland Fisheries Ireland			€0.3m (estimated savings)			
9	12. Merge COFORD into D/AF&F. COFORD had a 2008 outturn of €4.3m and a 2009 outturn of €4.3m.	—	€0.182m	€0.182m	6	4	2
10	13. Transfer of Bord Iascaigh Mhara marketing functions to An Bord Bia (2009 allocation of €17.2m current). This involved the transfer of 8 posts. 6 staff have transferred, a bereavement and the ISER have reduced this to 4. Savings to the running costs were a secondary consideration to the aim of creating a better integrated food marketing function, which has been delivered.	—	€0.15m	€0.15m	8	3 (end 2010) 4 (end 2009)	5 (end 2010) 4 (end 2009)
11	15. Provide for a new bus licensing regime, a contractual framework for the procurement of subvented transport services on a national basis, the amalgamation of the Commission for Taxi Regulation into the Dublin Transport Authority, which is to be renamed the National Transport Authority.1. Dublin Transport Authority : Completed 2009 — renamed National Transport Authority2. Dublin Transport Office: Completed 20093. Commission for Taxi Regulation :Completed 1 January 20114. Public Transport Licensing function of Department of Transport: Completed 1 December 2010 — Bus route licensing function 2010					n/a	n/a
12	16. The National Council on Ageing & Older People has been subsumed into the Office for Older People in the Department of Health & Children — when the merger is fully bedded down, D/H&C will be delivering this function within existing resources. 2007 outturn was €1.56m and original 2008 REV allocation was €1.82m	€0.4m	€0.4m	€1.26m (comparator — original 2008 REV allocation)	17	7	10

Table 1 — *continued*

	Completed Rationalisations — No. refers to the number of the proposal in the Budget measures.	Savings 2009 (estimated figures in advance of outturns)	Savings 2010	Long-term Savings on an annual basis — after bedding down	Max. Staff Nos (2006-09) WTE	Current Staff delivering services (end-09) WTE	Staff Reduction WTE
13	18. The Women's Health Council has been subsumed into the Department of Health & Children — when the merger is fully bedded down, D/H&C will be delivering this function within existing resources. 2008 outturn was €0.66m and original 2009 REV allocation was €0.64m	€0.013m	€0.126m	€0.155m (comparator — 2008 REV allocation)	7	5	2
14	21. The Postgraduate Medical & Dental Board has been merged into the Dental Council. The Medical Council & the HSE. 2008 outturn was €10.36m, most its budget was transferred to the HSE.	—	€0.455m	€0.455m	5	2	3
15	23. Amalgamate the Food Safety Authority of Ireland, the Office of Tobacco Control and the Irish Medicines Board. The Government has agreed to the retention of the Food Safety of Ireland and the Irish Medicines Board as independent stand-alone agencies and that the Office of Tobacco Control is to be merged into the Health Service Executive. The Office of Tobacco Control was merged into the HSE on 1 January 2010.						
16	27. Culture Ireland was not established as a statutory body and remains a division of the Department. The original plans contained a projection of 12 posts versus the 6 now in place in the Department.	€0.3m	€0.3m	€0.3m	12	6	6

Table 1 — *continued*

	Completed Rationalisations — No. refers to the number of the proposal in the Budget measures.	Savings 2009 (estimated figures in advance of outturns)	Savings 2010	Long-term Savings on an annual basis — after bedding down	Max. Staff Nos (2006-09) WTE	Current Staff delivering services (end-09) WTE	Staff Reduction WTE
17	28. Closure & transfer of 4 military barracks has been completed. The closure of St. Bricin's is linked to the provision of modern medical facilities within the existing Departmental property portfolio and is also linked to the planned decentralisation of Defence Forces Headquarters to the Curragh.	€0.833m (D/Def. projects €2.5m savings between 2009-2011. One third allocated to 2009)	€0.833m (see note in column for 2009)	€2.5m (from 2012 on)	20 (civilian workers)	8 (relocated to other barracks)	12
18	29. Integration of the Combat Poverty Agency and the Office of Social Inclusion in the Department of Social & Family Affairs. 2008 outturn was €4.1m and the 2009 allocation was €4.09m.	€0.4m	€2.4m	€2.7m	25.4	14	11.4
19	30. Assign MABS to the Citizens Information Board (CIB). The merger was pursued in the interests of efficiency, effectiveness and service delivery. MABS received €17.9m in 2009. The CIB, which has about 88 staff, has an Exchequer allocation of €28.1m in 2009.	0	0	0	n/a as the staff of MABS were not public servants	n/a	n/a

Table 2: Information on the outstanding Agency Rationalisation Decisions

Department of:	Agencies/Bodies	Target Date of Completion	Status of Legislation
EH&LG	1. Local Government Management Services Board 2. Local Government Computer Services Board	2011 — The Boards are now in practice merged into the LGMA (Local Government Management Agency) and the legislation is pending.	Draft Heads of a Bill to amend the relevant Corporate Bodies legislation have been approved by Government are now subject to the scheduling process of the Parliamentary Draughtsman's Office and the legislative programme.
Transport	1. Air Accident Investigation Unit (in Department of Transport) 2. Railway Accident Investigation Unit (in Railway Safety Commission) 3. Marine Casualty Investigation Board	2011	Preparatory work on enabling legislation commenced within the Department. Air Accident, Rail Accident and Marine Casualty investigation Units will relocate to discrete shared accommodation shortly.
H&C	Children Acts Advisory Board	2011	Bill scheduled for Report State in Dail on 18th January 2011
H&C	1. National Social Work Qualifications Board 2. Pre-Hospital Emergency Care Council 3. Opticians Board	2011	Health & Social Care Professionals Act 2005 Requires separate Bill
H&C	National Council for the Development of Nursing & Midwifery	2011	The Nurses & Midwives Bill was published on 22nd April 2010.
E&S	1. National Qualifications Authority of Ireland 2. Higher Education & Training Awards Council 3. Further Education & Training Awards Council	2011	It is hoped to publish the Qualifications and Quality Assurance (Education and Training) Bill during the current session. Allowing time for passage of the legislation and subsequent establishment, the amalgamation will take place in the second half of 2011.
H&C	1. National Cancer Screening Service 2. National Cancer Registry Board 3. Crisis Pregnancy Agency 4. Drug Treatment Centre	Completed — 2010 2011 Completed — 2010 2011	Health (Miscellaneous Provisions) Act 2009 Expected that Health Information Bill will be published in 2011 Health (Miscellaneous Provisions) Act 2009 Legal issues have arisen in respect of the part ownership by a charitable trust of the Trinity Court premises and their explicit role in the day-to-day management of the Centre.

Table 2: Information on the outstanding Agency Rationalisation Decisions — *continued*

Department of:	Agencies/Bodies	Target Date of Completion	Status of Legislation
CE&GA	<ol style="list-style-type: none"> 1. Equality Authority 2. Human Rights Commission 	CE&GA are now responsible for these bodies and implementing the recommendations in the context of securing economies by greater co-operation between the Department and its agencies generally; not solely by focusing on bilateral arrangements between the two NCSSBs	None
ETI	<ol style="list-style-type: none"> 1. National Consumer Agency 2. Competition Authority 	No target date	Department expects to submit Heads of Bill to Government shortly
TCS	<ol style="list-style-type: none"> 1. National Archives 2. Irish Manuscripts Commission 3. National Library of Ireland 	No target date	Draft Bill circulated to the bodies concerned for their observations
TCS	<ol style="list-style-type: none"> 1. Irish Museum of Modern Art 2. Crawford Art Gallery 3. National Gallery of Ireland 	IMMA and National Gallery to remain standalone entities, and Crawford Art Gallery can be amalgamated with the National Gallery	Amalgamation of back-of-house services of the Crawford Art Gallery and the National Gallery is being examined.

Table 3: Additional Rationalisations Decisions (outside the BUDGET 2009 announcements)

Department of:	Agencies/Bodies
D/Taoiseach	The absorption by the National Economic and Social Council of the National Economic and Social Forum and the National Centre for Partnership and Performance. The two bodies were dissolved with effect from 1st April 2010 by Orders which were made under Section 35 of the National Economic and Social Development Office Act 2006.
D/Education	The transfer of functions and resources of the Advisory Council for English Language Schools in Ireland (ACELS) to the National Qualifications Authority of Ireland (NQAI);
D/Education	The transfer of the functions and resources of the International Education Board Ireland (known as Education Ireland) to Enterprise Ireland and the Higher Education Authority (HEA).
D/Education	The decision to reduce the number of VEC from 33 down to 16 was taken in 2010 and implementation is ongoing.
D/Environment	In May 2010, the Housing and Sustainable Communities Agency [HSCA] was established on an administrative basis to rationalise the functions of the National Building Agency [NBA], the Affordable Homes Partnership [AHP] and the Centre for Housing Research [CHR]. The AHP and the CHR have been closed down and the NBA is in the process of being wound down.
D/Defence	The Government decided to disband the Irish Sail Training Scheme which was run and managed by Coiste an Asgard in December 2009. Up to then, the company was in receipt of an annual grant-in-aid from the National Lottery in the sum of approximately €800,000. The company has been inactive since that decision.

EU-IMF Fund

74. **Deputy Pearse Doherty** asked the Minister for Finance if the €3.7 billion put into AIB in December 2010 made up part of the National Pension Reserve Fund contribution to the EU-International Monetary Fund programme; if he will confirm whether the NPRF contribution to the €85 billion EU-IMF programme is €10 billion; and if he will make a statement on the matter. [3040/11]

Minister for Finance (Deputy Brian Lenihan): The Government announced on 28 November 2010 that it had agreed in principle to a total package of €85 billion designed to support the finances of this country, made up of loans from the European Financial Stability Fund and the European Financial Stability Mechanism backed by the Member States of the European Union, bilateral loans from the UK, Sweden and Denmark and loans from the International Monetary Fund's Extended Fund Facility on the basis of specified conditions, and including a contribution from our own resources.

The external lending being made available amounts to €67½ billion and will be drawn down as required over the three-year period of the Programme. The State's contribution to the Programme will be €17½ billion, which will come from the National Pensions Reserve Fund (NPRF) and other domestic cash resources. It is envisaged that the moneys to be sourced from the NPRF will be used primarily to support the banking system. The precise application of the funds available under the Programme will be a matter for decision in the light of the evolving budgetary situation, Exchequer access to funding on the financial markets and the needs of the banking system.

On 23 December 2010 I directed the NPRF Commission to invest €3.7 billion in cash in AIB in consideration of the issuance of 675 million ordinary shares and 10.5 billion convertible non-

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voting shares (“CNV shares”), the cancellation of warrants held by the NPRF and the payment by AIB to the NPRF of certain fees. The CNV shares were issued in order to facilitate the ongoing disposal of AIB’s Polish interests. The NPRF intends to increase its holding in AIB’s ordinary shares by converting the CNV shares into ordinary shares following completion of the disposal of its Polish assets. The NPRF currently holds 49.9 per cent of the ordinary share capital of AIB and approximately 92.8 per cent of the total issued share capital of AIB.

I gave these directions to ensure AIB met its year-end capital requirement as set by the Central Bank. The capital injection of €3.7bn from the NPRF forms part of AIB’s revised capital requirement of €9.8bn which must be raised by the end of February 2011. The remaining €6.1bn capital requirement is expected to be met through a combination of fresh capital from the State, the execution of a liability management exercise in relation to existing subordinated debt holders and other capital generative measures ongoing by the bank. This capital is essential to allow AIB to fulfil its role in supporting the Irish economy. The Government’s provision of support to AIB is in accordance with the Joint EU-IMF Programme.

At 31 December 2010 the total value of the National Pensions Reserve Fund NPRF was €24.4 billion. This figure comprised €9.5 billion in the Directed Portfolio (the value of investments in Bank of Ireland and Allied Irish Banks held on the direction of the Minister for Finance) and €14.9 billion in the Discretionary Portfolio (the balance of the Fund excluding directed investments).

Banks Recapitalisation

75. **Deputy Pearse Doherty** asked the Minister for Finance where the money paid out from promissory notes starting in March to Anglo Irish bank and Irish Nationwide Building Society and in June to EBS was acquired from; if this money adds to annual expenditure; if he has included this yearly expense into the cost of running the State in 2011; and if he will make a statement on the matter. [3041/11]

Minister for Finance (Deputy Brian Lenihan): I provided for the injection of capital totalling €25.3 billion into Anglo Irish Bank in 2010, by way of a Promissory Note. Under the terms of the Promissory Note, 10 per cent of this amount — or €2.53 billion — shall be paid in March each year and the first such payment falls due at the end of March 2011. This payment will be made from the Central Fund and is factored into the non-voted capital expenditure estimates in Budget 2011. Expenditure from the Central Fund is funded through the collection of revenues and borrowing undertaken by the State.

In relation to the Irish Nationwide Building Society (INBS), I provided for the injection of capital amounting to €5.4 billion 2010. This comprised a €100 million cash injection in return for a Special Investment Share in the institution and €5.3 billion by way of a Promissory Note. The €100 million cash injection was funded from the Central Fund and is classified as non-voted capital expenditure in the end-2010 Exchequer Statement published by my Department on 5 January. Under the terms of the INBS Promissory Note, 10 per cent of this amount — or €530 million — shall be paid in March each year and the first such payment falls due at the end of March 2011. This payment will be made from the Central Fund and is factored into the non-voted capital expenditure estimates contained in Budget 2011.

In relation to the Educational Building Society (EBS), I provided for the injection of capital totalling €875 million in 2010. €625 million of this was provided by way of a cash injection from the Central Fund in return for a Special Investment Share in the institution, and is classified as non-voted capital expenditure in the end-2010 Exchequer Statement published by my Department on 5 January.

The remaining €250 million is being provided to EBS by way of a Promissory Note. Under the terms of the EBS Promissory Note, 10 per cent of this amount — or €25 million — shall be paid in June each year and the first such payment falls due in mid-June 2011. This payment will be made from the Central Fund and is factored into the non-voted capital expenditure estimates contained in Budget 2011. There was no expenditure from the Central Fund associated with these Promissory Notes in 2010. By providing the capital injections in the form of Promissory Notes, the cost is spread out over a lengthy period and is therefore manageable in the overall budgetary context.

EU-IMF Fund

76. **Deputy Pearse Doherty** asked the Minister for Finance the sovereign bonds that are maturing over the next six years; the amount this will cost year-on-year for the next six years; and if he will make a statement on the matter. [3042/11]

Minister for Finance (Deputy Brian Lenihan): Irish Government Bonds maturing over the next six years are set out in the table below.

Bond	Maturity Date	Amount Outstanding January 2011
		€m
4.0 Treasury Bond 2011	11-Nov-11	4,584.0
3.9 Treasury Bond 2012	05-Mar-12	5,762.5
5.0 Treasury Bond 2013	18-Apr-13	6,095.5
4.0 Treasury Bond 2014	15-Jan-14	11,880.2
4.6 Treasury Bond 2016	18-Apr-16	10,169.5

In addition to the above I would advise the Deputy that the €5 billion EFSM loan drawn down on 12 January 2011 is due for repayment on 4 December 2015 while the first tranche of IMF funding, amounting to approximately €5.8 billion, was drawn down on 18 January 2011. All funds drawn from the IMF will be repaid by a series of twelve equal semi-annual repayments beginning 4.5 years after the drawdown and finishing on the tenth anniversary of the drawdown.

The debt service estimates underpinning the Budget 2011 public finance forecasts are set out below. Projections are not currently available for the years beyond 2014.

	2011	2012	2013	2014
Debt Servicing Costs €bn*	5.6	6.8	7.8	8.7

*Figures in table based on forecasts contained in Budget 2011.

77. **Deputy Pearse Doherty** asked the Minister for Finance the total interest in relation to the total draw-down in 2011 from the EU-International Monetary Fund programme; if he will provide a year-on-year breakdown of the total interest to be paid as a result of the drawing of funds down from the EU-IMF programme; and if he will make a statement on the matter. [3043/11]

78. **Deputy Pearse Doherty** asked the Minister for Finance when the capital on each input of the EU-International Monetary Fund programme will be repaid; and if he will make a statement on the matter. [3044/11]

Minister for Finance (Deputy Brian Lenihan): I propose to take Questions Nos. 77 and 78 together.

There is provision under the EU-IMF Programme for external assistance amounting to €67.5bn to be made available to Ireland as follows:

- €22.5 billion from the European Financial Stabilisation Mechanism (EFSM)
- €22.5 billion from the European Financial Stability Facility (EFSF) and bilateral loans from the UK, Sweden and Denmark
- €22.5 billion from the IMF.

The average (blended) interest rate on the €67.5 billion available to be drawn from these three external sources was estimated to be 5.82 per cent on the basis of market rates at the time of the agreement. The actual cost will depend on the prevailing market rates at the time of each drawdown and could be higher if market rates have deteriorated. The average life of the borrowings, which will involve a combination of longer and shorter dated maturities, under each of these sources is 7.5 years.

The total amount to be drawn down in 2011 will be determined by Exchequer funding and bank recapitalisation requirements. The total interest costs will be determined by the total amount drawn down and the interest rate applying to the various tranches. The position to date in 2011 is as follows.

The first drawdown of IMF funds under the Programme took place on 18 January 2011. The amount was SDR 5,012,425,200, equivalent to some €5.8 billion. All funds drawn from the IMF under the Programme will be repaid by a series of twelve equal semi-annual capital repayments of the initial amount beginning 4.5 years after the drawdown and finishing on the tenth anniversary of the drawdown. Interest will be paid quarterly at the IMF's standard interest applying to countries which draw on its Extended Fund Facility. This rate is set by reference to the IMF's basic rate of charge plus surcharges which are based on the size of the borrower's loan relative to its IMF quota. In November 2010, when the terms of the Programme were agreed, the IMF rate was estimated at about 4%. Based on market rates at the time of the agreement, this rate would have been equivalent to about 5.7% if swapped into 7.5 year fixed-rate euro. At current market conditions, the comparable rate would be some 5.75%.

Further drawdowns from the IMF of about €2.1 billion per calendar quarter are scheduled during 2011. Each of these drawdowns will be subject to Ireland's preceding quarterly review by the EU-IMF. The cost of these funds will depend on market conditions when the funds are drawn down. The precise amount to be drawn down will be determined in accordance with requirements. It is expected that there will be a small reduction in the IMF interest rate as a result of the impending change in Ireland's IMF quota when the 2008 reforms to the Fund's Articles of Association are adopted. In broad terms, the amounts drawn down from each of the three external sources are intended to be roughly equal over the course of the year.

With regard to the EFSM, Ireland received the first instalment on January 12th 2011. The nominal amount of the borrowing was €5 billion and this will be due for repayment on 4 December 2015. Ireland pays a yield to redemption of 5.51% on the borrowing reflecting the fact that the bond was issued at a price of €99.594 per €100 nominal. This interest is payable annually on 4 December.

The EFSF is planning its first market issuance, on behalf of Ireland, very shortly which based on the EFSF funding structure is expected to result in a disbursement of approximately €3.5bn from this source. The understanding is that this initial issue will be for a bond with a maturity

in mid 2016 but this will depend on market conditions. The borrowing will carry an annual interest payment the exact amount of which will be determined at the time of issue of the bond. Funding from the UK is likely to commence in the third quarter of 2011 and discussions are ongoing as to the drawdown schedule. The rate of interest is expected to be about 5.9 per cent, based on current market conditions.

Banks Recapitalisation

79. **Deputy Pearse Doherty** asked the Minister for Finance, further to Parliamentary Question No. 111 of 12 January 2011, if he will clarify whether the amount being paid to Anglo Irish Bank at the end of March 2011 will be €2.528 million; and if he will make a statement on the matter. [3045/11]

Minister for Finance (Deputy Brian Lenihan): I refer the Deputy to my reply to Parliamentary Question No. 111 which contains a typographical error; the figure for the initial payment on the Promissory Note to Anglo Irish Bank at the end of March should read €2,528 million and not €2.528 million. I apologise for this error and can assure the Deputy that steps have been made to ensure the record is corrected.

In response to the Deputy's question, to date, Anglo Irish Bank has been provided with €29.3 billion in total capital, of which €25.3 billion was in the form of a Promissory Note. I can confirm that under the terms of the Promissory Note 10% of the initial principal amount will be paid in March each year to the holder of the Note. In the case of Anglo Irish Bank, this amounts to €2.53 billion per annum, with the first such payment at the end of March 2011 from the Exchequer.

Public Service Pensions

80. **Deputy Noel Ahern** asked the Minister for Finance the position regarding the reductions in pensions for retired civil servants as announced in the budget; if it only refers to civil servants; if it applies to commercial semi-State bodies; if it refers to and includes FÁS; the reason for same; the way deductions can be made in a contributory pension scheme; the way deductions can be made where added years were purchased by the retired person; and if he will make a statement on the matter. [3058/11]

Minister for Finance (Deputy Brian Lenihan): The public service pension reduction was legislated for in December 2010 in the Financial Emergency Measures in the Public Interest Act 2010. It came into operation on 1 January 2011. The reduction is not confined to the pensions of retired civil servants. It applies to all public service pensions above €12,000 payable to persons retired from all parts of the public service including the civil service, local government, the Defence Forces, An Garda Síochána, non-commercial State Bodies and the health and education sectors.

The reduction does not apply to the pensions of persons retired from commercial State Bodies. Such bodies are not part of the public service and their staff do not enjoy membership of public service pension schemes. The reduction applies to the public service pensions of retired FÁS workers. As a non-commercial State Body FÁS is part of the public service.

The reduction applies in a standard manner to public service pensions, whether those pensions are contributory or non-contributory, and whether or not the pensions have been boosted by purchase of added years. The amount of reduction in each case is determined by application of the following set of annual income bands and associated reduction rates:

[Deputy Brian Lenihan.]

Annual Income Bands	
First €12,000	0%
Between €12,000 and €24,000	6%
Between €24,000 and €60,000	9%
Above €60,000	12%

Tax Reliefs

81. **Deputy Finian McGrath** asked the Minister for Finance if he will examine a matter regarding section 23 relief (details supplied). [3073/11]

Minister for Finance (Deputy Brian Lenihan): For the Deputy's information I have already received representations from the persons in question (details supplied) in relation to the proposals for Section 23 which I announced in the Budget. My Department has responded to those representations in the normal way. Details regarding these proposals will be set out in the Finance Bill.

Financial Services Sector

82. **Deputy John O'Donoghue** asked the Minister for Finance his views on the purchase of Goodbody Stockbrokers by a Kerry-based company (details supplied); if he has had contact with either of the parties involved in the deal; and if he will make a statement on the matter. [3112/11]

Minister for Finance (Deputy Brian Lenihan): The sale of Allied Irish Banks' (AIB) entire shareholding in Goodbody Holdings Limited, including Goodbody Stockbrokers, was part of a strategic decision taken by the board of AIB to raise capital by the disposal of certain assets. This capital raising was necessitated by the bank having to meet set capital adequacy requirements as dictated by the Central Bank. I have had no involvement in the sale process. For the information of the Deputy, the acquisition of the Group by the named company was approved by the Central Bank on 24 December 2010, under the relevant regulations. The transaction was completed on 7 January 2011.

Proposed Legislation

83. **Deputy John O'Donoghue** asked the Minister for Finance if his attention has been drawn to the Betting, Gaming and Lotteries (Unclaimed Winnings) Bill 2010 provisions; and if he will make a statement on the matter. [3118/11]

Minister for Finance (Deputy Brian Lenihan): I understand that the Deputy's Private Member's Bill to which he refers proposes that unclaimed winnings from betting, gaming and lottery activities would be transferred to a new "Unclaimed Prizes Fund" and available for disbursement by a new "Unclaimed Winnings Board" to support certain types of social programmes or projects and that the Bill also proposes to give certain powers and functions to the Minister for Tourism, Culture and Sport in relation to such matters. I can inform the Deputy that, in the case of the National Lottery, arrangements are already in place in relation to unclaimed prizes, reflecting the terms of the licence under which the National Lottery is operated. Unclaimed prizes are set aside and, with approval, may be used from time to time to fund additional prizes in further games or draws.

In relation to betting, I understand that the amount of unclaimed winnings from bets placed with bookmakers' shops or on-course bookmakers is likely to be very small given the nature and profile of the industry and its consumers. In the case of bets placed with remote or internet bookmakers, I understand that the issue of unclaimed winnings is unlikely to arise, as a person's account with a given bookmaker is automatically credited in a situation where the bet has been successful.

Departmental Correspondence

84. **Deputy Finian McGrath** asked the Minister for Finance if he will examine and support a matter (details supplied). [3121/11]

Minister for Finance (Deputy Brian Lenihan): I have noted the further comments included in the details supplied with the Deputy's question.

National Procurement Service

85. **Deputy Michael McGrath** asked the Minister for Finance the position regarding the contract for the supply of stationery and office supplies as advertised by the national procurement service; his views on the economic fall-out arising from the consequences of the contract for small and medium-sized stationery suppliers around the country; and if he will make a statement on the matter. [3150/11]

Minister of State at the Department of Finance (Deputy Martin Mansergh): The National Procurement Service (NPS) is currently engaged in a tender process for the procurement of Stationery and Office Supplies. This process is now at evaluation stage. No award has yet been made to any party. The NPS is anxious to support SMEs, and to this end included the following text in the Request for tender (RFT) of the Stationery and Office Supplies tender. It was felt that this strategy would enable SMEs participate in the process.

“NPS policy seeks to encourage participation by Small and Medium Enterprises (SMEs) in this Competition. SMEs that believe the scope of this Competition is beyond their technical or business capacity are encouraged to explore the possibilities of forming relationships with other SMEs or with larger enterprises. Through such relationships they can participate and contribute to the successful implementation of any contracts, agreements or arrangements that result from this Competition and therefore increase their social and economic benefits. Larger enterprises are also encouraged to consider the practical ways that SMEs can be included in their proposals to maximise the social and economic benefits of the contracts that result from this tendering exercise”

The division of this tender into three distinct lots has also increased the possibilities for SMEs to tender individually, or form consortia that can enter competitive bids to win this State contract. Utilising this approach has significantly increased the potential opportunities for Irish SMEs to compete in this tender process.

It should be noted, however, that aggregating demand for a contract of this size, for low risk low value goods can yield substantial cost and administrative savings for the Exchequer as well as minimising legal exposure to the State, particularly in light of the recently transposed Remedies Directive.

Tax Code

86. **Deputy Michael McGrath** asked the Minister for Finance the position regarding stamp duty (details supplied). [3151/11]

Minister for Finance (Deputy Brian Lenihan): As the Deputy is aware, I announced in Budget 2011 a major reform of the charge to Stamp Duty on residential property transactions, which applies to all instruments executed on or after 8 December 2010. These changes have simplified the system by lowering the rates applicable and abolishing a number of exemptions and reliefs. The changes in rates are as follows:

Stamp Duty rates on transfers of residential property up to 7 December 2010

Aggregate Consideration	Rate of Duty
First €125,000	0%
Next €875,000 (up to €1m)	7%
Excess over €1,000,000	9%

New Stamp Duty rates on transfers of residential property from 8 December 2010

Aggregate Consideration	Rate of Duty
First €1,000,000	1%
Excess over €1,000,000	2%

In order to broaden the tax base, a number of reliefs and exemptions have been abolished as follows:

- First Time Buyer's Relief;
- Relief from Stamp Duty on new houses under 125 sq metres;
- Reduced Stamp Duty on new houses over 125 sq metres
- Consanguinity relief in respect of residential property transfers;
- Exemption for residential property valued under €127,000; and
- Site to child relief.

There is also a transitional measure in place, for circumstances where the effect of these changes is to increase the Stamp Duty payable on the transaction. Stamp Duty can be paid under the old regime where a binding contract is in place before 8 December 2010 and the instrument is executed before 1 July 2011.

Accordingly, if the case to which the Deputy refers satisfies these conditions, Stamp Duty can be paid under the old rates, if this would result in a lower liability. If further clarification by reference to an actual case is required, this can be obtained by presenting the Revenue Commissioners, Dublin Stamping District, Dublin Castle, Dublin 2 with the exact details of the disposal and execution of the instrument.

Financial Services Regulation

87. **Deputy Denis Naughten** asked the Minister for Finance the response he received from the Financial Regulator on foot of an investigation (details supplied) requested by his predecessor; and if he will make a statement on the matter. [3165/11]

Minister for Finance (Deputy Brian Lenihan): I am advised that this question involves a case where an individual made representations to the then Minister for Finance in regard to a

dispute he was having with a regulated financial entity. The matter was referred to the then Financial Regulator who, I understand, referred the matter to the Financial Services Ombudsman. I further understand that the Financial Services Ombudsman made a ruling on the matter.

My function, as Minister for Finance, is to put in place an appropriate legislative framework for regulation of the financial services sector. It would not be appropriate for me to become involved in individual disputes. At no point did the then Minister for Finance commission an investigation into the matter. Rather, he referred the matter to the relevant competent authority for appropriate follow-up action. The Financial Regulator confirmed to my Department that the matter was dealt with appropriately and in accordance with its regulatory remit.

Tax Code

88. **Deputy Bernard J. Durkan** asked the Minister for Finance the extent to which he proposes to examine the impact of budget 2011 on a number of section 23 beneficiaries given in some circumstances a wider economic situation; and if he will make a statement on the matter. [3199/11]

Minister for Finance (Deputy Brian Lenihan): I have sought to adopt a pragmatic and balanced approach to this issue. The measures announced in the Budget were targeted solely at passive investors and would restrict the use of and carry forward of capital allowances and limit Section 23 relief to income from the individual Section 23 property. Since the Budget, my officials have been engaged in a consultation process with various groups who have made representations in relation to the proposals. I have considered the various views received and full details of the Government's decision in relation to the issue will be set out in the Finance Bill.

Tax Collection

89. **Deputy Bernard J. Durkan** asked the Minister for Finance notwithstanding his reply to previous parliamentary questions in the matter, the way it can be determined that a person (details supplied) in County Kildare is deemed not eligible for refund of interest paid to lending institutions on foot of money borrowed to meet capital gains tax requirements set out by the Revenue Commissioners, which was subsequently abandoned due to failure of contract given that they were without use of funds to the extent of €700,000 interest during the period in question; if these issues can now be reconsidered in view of the serious penalty imposed on the taxpayer; and if he will make a statement on the matter. [3200/11]

Minister for Finance (Deputy Brian Lenihan): I have been informed by the Revenue Commissioners that the taxpayer, in this case, borrowed money to pay a Capital Gains Tax liability that arose from a disposal that was covered by a contract dated 24 March 2004. At the time the sale was due to close the purchaser withdrew from it and forfeited the deposits paid. Revenue received confirmation that the contract was rescinded on 24 March 2009. As a result of this, the Capital Gains Tax liability was recalculated to reflect the actual consideration received and a refund of Capital Gains Tax was made on 7 July 2009. There is no legislative basis whereby a taxpayer can receive a payment through the tax system to meet the cost of interest he paid on borrowings to meet a Capital Gains Tax liability.

Departmental Agencies

90. **Deputy Richard Bruton** asked the Minister for Health and Children the number of State agencies identified for abolition or merger in her Department; the number of agencies which have been merged or abolished to date in her Department; the total net savings which have

[Deputy Richard Bruton.]

been made in respect of each State agency arising from its merger or abolition in her Department; the likely date for merger or abolition and the reason for the delay in respect of each State agency which has not already been merged with another State agency or abolished in her Department; and if she will make a statement on the matter. [3008/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): The primary aim of the programme of agency rationalisation within the health sector is to streamline service delivery, professional registration and policy making in a number of areas, through the integration and/or amalgamation of functions. The rationalisation programme involves a significant legislative programme and a considerable amount of work is ongoing in this area at present and considerable progress has been made in implementing the programme. In parallel, discussions with the agencies concerned are ongoing with a view to progressing the programme.

Efficiencies will derive over time from economies of scale and the elimination of duplication in areas such as recruitment, procurement, payroll and ICT systems. Savings also arise from the dissolution of Agency Boards, some of which attracted payment of travel and subsistence and /or Board fees.

With regard to staff numbers all staff employed by an Agency prior to rationalisation transfer to the employee of the receiving Agency. A reduction in numbers employed will only arise when staff leave on expiry of a contract at some future date or in the case of permanent staff reach retirement age.

The progress to date is as follows. The Women's Health Council was integrated into the Department of Health and Children on 1st October 2009. The Post Graduate Medical & Dental Board was successfully rationalised into the HSE on 1st January, 2009. The National Council on Aging & Older People was successfully subsumed into the Department of Health and Children in 2009. The Crisis Pregnancy Agency was subsumed into HSE in January 2010. The Drug Treatment Centre has a current target date for the merger of 1st March 2011. Legalisation is required to facilitate the rationalization of the Pre Hospital Emergency Care Council, the National Social Work Qualifications Board and the Opticians Board into the Health & Social Care Professionals Council. It is envisaged that the legislation will be finalised during 2011.

The Government approved the inclusion of provisions in the Child Care (Amendment) Bill 2009 to disestablish the Children Acts Advisory Board (CAAB) and to subsume some of its functions into the Office of the Minister for Children and Youth Affairs on an administrative basis. The Bill was published on 16th September 2009 and completed report Stage in Seanad Éireann on 6th May 2010 and then completed Committee Stage on 11th November 2010. 6 staff members have been seconded to the Department of Health and Children with effect from 8 February 2010. This position will continue until the legislation is passed.

The National Cancer Screening Service has been integrated into the HSE's National Cancer Control Programme with effect from 1st April 2010. The dissolution of the National Cancer Registry and the transfer of its staff to the HSE will be dealt with under the Health Information Bill and is likely to be subsumed in the first quarter 2011.

The new Nurses and Midwives Bill was published on 22nd April 2010. The Bill provides for the dissolution for the National Council for the Professional Development of Nursing and Midwifery, and the transfer of the staff assets and liabilities to An Bord Altranais. Following enactment of the Bill, the Minister will commence a section which dissolves the Council and transfers staff etc. The Office of Tobacco Control was merged into the HSE on 1st January 2011. The Government has agreed to the retention of the Food Safety Authority of Ireland and the Irish Medicines Board as independent stand-alone agencies.

Health Service Staff

91. **Deputy Noel J. Coonan** asked the Minister for Health and Children her plans to reinstate a community welfare officer to an area (details supplied) in County Tipperary; if the officer will be reinstated this month; the reason this has not happened to date; and if she will make a statement on the matter. [3036/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Health Services

92. **Deputy Noel J. Coonan** asked the Minister for Health and Children the number of persons in north Tipperary waiting to receive speech and language therapy; the average length of time waiting; the number of therapists in the constituency; the reason for the delay; and if she will make a statement on the matter. [3037/11]

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.

Services for People with Disabilities

93. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied) in Dublin 5. [3047/11]

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.

Prescription Charges

94. **Deputy Mary Upton** asked the Minister for Health and Children if the prescription charge should be applied twice to the same medication (details supplied); and if she will make a statement on the matter. [3049/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): Section 59 of the Health Act 1970, as amended by the Health (Amendment) (No.2) Act 2010, provides for a charge of €0.50 per item supplied to medical card holders by community pharmacists. The charges are subject to a cap of €10 per month for each person or family.

Health Services

95. **Deputy Pearse Doherty** asked the Minister for Health and Children the level of paediatric diabetes service in County Donegal and the reason there is not a clinical nurse specialist in paediatric diabetes, in view of the fact there currently are more than 130 diagnosed children under 18 years with type 1 diabetes and noting that best practice and Health Service Executive guidelines dictate that there should be one clinical nurse specialist per 100 children diagnosed; her plans to follow best practice in this instance; and if she will make a statement on the matter. [3051/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Health Service Properties

96. **Deputy Noel Ahern** asked the Minister for Health and Children the position regarding requests made to the Health Service Executive as landlord of a sports club (details supplied); if the HSE will now grant approval to the bank of the sports club to commence loan; if approval will be given soon as the club is paying overdraft rates for months. [3055/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): Management of the Health Service Executive property portfolio is a service matter. Therefore your question has been referred to the Executive for direct reply.

Hospital Charges

97. **Deputy Noel Ahern** asked the Minister for Health and Children the position regarding the services organised and provided for medical card holders; if all services should be provided free; the reason a €60 charge is being levied for a dexa scan in Beaumont Hospital, Dublin; if same should be free even if arranged within the private clinic by public services; and if she will make a statement on the matter. [3056/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): A person with full eligibility who opts to be treated as a public patient in a public hospital should not be charged. As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services

98. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied). [3064/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): As this is a service matter, it has been referred to the HSE for direct reply.

Long-Term Illness Scheme

99. **Deputy Jackie Healy-Rae** asked the Minister for Health and Children if she will add Crohn's disease to the lifelong illness list as there is no cure for this disease; and if she will make a statement on the matter. [3076/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): There are no plans to extend the list of eligible conditions covered by the Long Term Illness Scheme. Under the Drugs Payment Scheme no individual or family pays more than €120 per calendar month towards the cost of approved prescribed medicines. The scheme is easy to use and significantly reduces the cost burden for families and individuals incurring ongoing expenditure on medicines. In addition, people who cannot, without undue hardship, arrange for the provision of medical services for themselves and their dependants may be entitled to a medical card. In the assessment process, the Health Service Executive can take into account medical costs incurred by an individual or a family. Those who are not eligible for a medical card may still be able to avail of a GP visit card, which covers the cost of general practice consultations.

Hospital Waiting Lists

100. **Deputy Seán Fleming** asked the Minister for Health and Children when a person (details

supplied) in County Laois will receive an appointment to see a consultant in Portlaoise General Hospital, County Laois [3078/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Hospital Services

101. **Deputy Charlie O'Connor** asked the Minister for Health and Children if she will intervene in a serious situation in Tallaght Hospital, Dublin, where a closed ward is being used as a canteen thus contributing to a bed shortage resulting in additional pressures on accident and emergency facilities; and if she will make a statement on the matter. [3086/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): As this is a service matter, it has been referred to the Health Service Executive for direct reply.

Services for People with Disabilities

102. **Deputy Edward O'Keefe** asked the Minister for Health and Children if she will assist in having a person (details supplied) in County Cork with a disability assessed without delay for a specific item. [3087/11]

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.

Community Care

103. **Deputy Denis Naughten** asked the Minister for Health and Children, further to Parliamentary Questions Nos. 105 and 106 of 12 February 2009 and 222 of 6 May 2009, the position regarding the issues raised; the breakdown of the figures in the primary community continuing care areas where waiting lists apply; and if she will make a statement on the matter. [3088/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): As this is a service matter the question has been referred to the HSE for direct reply.

Patient Statistics

104. **Deputy John O'Donoghue** asked the Minister for Health and Children the number of persons who died from flu in Ireland in 2010. [3099/11]

105. **Deputy John O'Donoghue** asked the Minister for Health and Children the number of persons who died from flu in County Kerry in 2010. [3100/11]

106. **Deputy John O'Donoghue** asked the Minister for Health and Children the number of persons who have died from flu in Ireland in 2011. [3101/11]

107. **Deputy John O'Donoghue** asked the Minister for Health and Children the number of persons from County Kerry who have died from flu in 2011. [3102/11]

112. **Deputy John O'Donoghue** asked the Minister for Health and Children the confirmed number of swine flu cases that have arisen in County Kerry in 2010 and in 2011. [3114/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): I propose to take Questions Nos. 104 to 107, inclusive, and 112 together.

As this is a service matter the questions have been referred to the HSE for direct reply.

Hospital Services

108. **Deputy John O'Donoghue** asked the Minister for Health and Children the current status of the Kenmare Community Hospital, County Kerry; the expected time line for its construction; and if she will make a statement on the matter. [3104/11]

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.

General Practitioner Services

109. **Deputy John O'Donoghue** asked the Minister for Health and Children the position regarding the Southdoc service in County Kerry; the services provided; the locations served; the overnight services provided and if any plans exist to expand the service. [3106/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Services

110. **Deputy John O'Donoghue** asked the Minister for Health and Children the number of unused surgical beds in Kerry General Hospital; and if she will make a statement on the matter. [3111/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): As this is a service matter, it has been referred to the HSE for direct reply.

111. **Deputy John O'Donoghue** asked the Minister for Health and Children if her attention has been drawn to the fact that the main door has been locked at St. Finian's Hospital, County Kerry, on several days recently; if measures are being introduced to reverse this decision; and if she will make a statement on the matter. [3113/11]

Minister of State at the Department of Health and Children (Deputy John Moloney): As this is a service matter the question has been referred to the HSE for direct reply.

Question 112 answered with Question No. 104.

Public Service Agreements

113. **Deputy Paul Connaughton** asked the Minister for Health and Children the reason a person (details supplied) in County Galway is not permitted to retire under the Croke Park agreement as opposed to retiring under the cost neutral method which appears to be the only option open to them and other long serving colleagues; if her attention has been drawn to the fact that if the applicant retired on the only option open to them at present they would lose almost €10,000; if her further attention has been drawn to the fact that the retirement of long service nurses would provide an employment boost for younger nurses at a much lower salary base; and if she will make a statement on the matter. [3130/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): The Public Service Agreement provides that, where the circumstances require it, the Government may offer voluntary mechanisms to exit the public service generally, or in specific sectors, bodies, locations or services. In late 2010 the Government approved a targeted voluntary early retirement (VER) scheme and a voluntary redundancy (VR) scheme for staff in the management and administrative and general support staff categories in the public health service. The schemes were not targeted at those providing front-line services. I have no plans at this stage of introducing such a scheme in respect of nursing or other frontline services.

A critical part of the Government's strategy to restore the public finances is to achieve sustainability in the cost of delivering public services relative to State revenues. The proposal raised by the Deputy is not feasible given the current financial position as the pension costs and ongoing salary costs arising would not deliver the necessary level of savings.

The National Recovery Plan provides for an ongoing reduction in health sector employment of at least 1,500 in each of the four years (2011-2014) with consequential payroll savings. It is recognised that the employment controls impact on newly qualified nurses obtaining employment. However, the only way to ensure we have a sustainable health service in the future is to take firm action now to address the budgetary imbalance.

Public Sector Pay

114. **Deputy James Reilly** asked the Minister for Health and Children if she will provide a breakdown of the money spent on non-core pay, such as premium, overtime and allowance in 2010 in tabular form; and if she will make a statement on the matter. [3139/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): The information requested by the Deputy in relation to the Health Service Executive is set out in the table below. This information is set out in the 2011 National Service Plan and is a forecast outturn figure for both statutory and voluntary providers which is subject to verification and audit. Final figures for the statutory sector will be available in the Annual Financial Statements of the HSE which are currently being prepared. Whilst the Annual Financial Statements of the Executive will not provide a pay analysis for the voluntary sector, these are subject to separate verification and audit in the accounts of the voluntary providers.

	2010 Forecast Outturn
	€m
Overtime	280
Allowances	165
On-Call	91
Weekend / Public Holiday	260
Night Shift	101
Locum / Agency	152

In relation to the Department of Health and Children and the Office for the Minister for Children and Youth Affairs, expenditure of €0.202m and €0.248m was incurred in 2010 in relation to overtime and allowances respectively. In relation to the agencies directly funded by my Department, information in relation to non-core pay is not collected as a matter of course and is not readily available.

Health Services

115. **Deputy Mary Upton** asked the Minister for Health and Children if a person (details supplied) in Dublin 12 will be provided with a double orthopaedic bed as recommended by Health Service Executive staff. [3140/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

116. **Deputy Michael McGrath** asked the Minister for Health and Children the position regarding dental work required by a person (details supplied) in County Cork. [3141/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): As this is a service matter it has been referred to the HSE for direct reply.

Medical Cards

117. **Deputy Michael McGrath** asked the Minister for Health and Children the position regarding a medical card in respect of a person (details supplied) in County Cork. [3145/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Vaccination Programme

118. **Deputy Michael McGrath** asked the Minister for Health and Children if she will consider a request for a cervical cancer vaccine in respect of a person (details supplied) in County Cork. [3148/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): The national HPV vaccination programme commenced in May 2010 in secondary schools for girls in first year. All girls currently in second year and those who entered first year in September 2010 have been offered vaccination. The programme will continue with the vaccine being offered to all girls in first year in secondary school each year. It is not proposed to extend the vaccination programme to other classes at present. Unfortunately it will not be possible to refund the costs of vaccinations administered privately.

Health Services

119. **Deputy Pat Breen** asked the Minister for Health and Children when an application will be determined in respect of a person (details supplied) in County Clare; and if she will make a statement on the matter. [3164/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

120. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied). [3168/11]

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.

121. **Deputy Finian McGrath** asked the Minister for Health and Children if she will support the case of a person (details supplied). [3169/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): As this is a service matter, it has been referred to the HSE for direct reply.

122. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if a person (details supplied) in County Kildare will have their case for orthodontic treatment reinstated in view of the fact that they were approved in 2004; and if she will make a statement on the matter. [3217/11]

Tánaiste and Minister for Health and Children (Deputy Mary Coughlan): As this is a service matter it has been referred to the HSE for direct reply.

State Airports

123. **Deputy Pat Breen** asked the Minister for Transport, further to Parliamentary Question No. 489 of 12 January 2011, when these discussions will be concluded; and if he will make a statement on the matter. [2997/11]

Minister for Transport (Deputy Pat Carey): The position, as previously advised, is that the Dublin Airport Authority (DAA) is in active discussions with the Lynx Group regarding the air cargo project at Shannon Airport. I understand from the DAA that they are not in a position to indicate when precisely these discussions will be concluded.

Departmental Agencies

124. **Deputy Richard Bruton** asked the Minister for Transport the number of State agencies identified for abolition or merger in his Department; the number of agencies which have been merged or abolished to date in his Department; the total net savings which have been made in respect of each State agency arising from its merger or abolition in his Department; the likely date for merger or abolition and the reason for the delay in respect of each State agency which has not already been merged with another State agency or abolished in his Department; and if he will make a statement on the matter. [3012/11]

Minister for Transport (Deputy Pat Carey): To date nine bodies under the remit of my Department have been rationalised in order to improve their effectiveness. The Dublin Transportation Office was absorbed into the National Transport Authority on 1st December 2009. The Commission for Taxi Regulation was also subsumed into the Authority on 1st January 2011.

Eight Harbour Authorities established under the Harbours Act 1946, (Sligo, Annagassan, River Moy, Youghal, Kilrush, Wexford and Westport) have been transferred to local authority control and Dingle has been designated a Fishery Harbour Centre. There are five remaining Harbour Authorities under the Harbours Act 1946. 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. It will take some years for the full benefits of rationalisation to be achieved. The table lists the funding provided by the Department towards the general administrative expenses for the years 2008, 2009 and 2010.

[Deputy Pat Carey.]

General Administrative Expenses

State Body	2008	2009	2010
	€million	€million	€million
Railway Procurement Agency	11.0	10.6	10.1
National Roads Authority	16.3	15.9	14.5
Dublin Transportation Office*	1.1	1.0	Nil
National Transport Authority**			3.7
Commission for Taxi Regulation***	Nil	Nil	Nil
Commission for Aviation Regulation	Nil	Nil	Nil
Irish Aviation Authority	Nil	Nil	Nil
Arklow Harbour Commissioners	Nil	Nil	Nil
Baltimore Harbour Commissioners	Nil	Nil	Nil
Bantry Bay Harbour Commissioners	Nil	Nil	Nil
Kinsale Harbour Commissioners	Nil	Nil	Nil
Tralee and Fenit and Harbour Commissioners	Nil	Nil	Nil
Wexford Harbour Commissioners	Nil	Nil	Nil

*Abolished 1 December 2009.

**Established 1 December 2009.

***Subsumed into the National Transport Authority 1 January 2011.

Air Services

125. **Deputy John O'Donoghue** asked the Minister for Transport if the public service obligation contract arrangements for Kerry Airport will be expedited given the cancelling of the PSO contract that was due to run to July 2011 by a company (details supplied) and the notice that 20 staff at the airport are facing redundancy; and if he will make a statement on the matter. [3119/11]

Minister for Transport (Deputy Pat Carey): All the current Public Service Obligation (PSO) contracts for services linking Dublin Airport with the regional airports at Derry, Donegal, Sligo, Ireland West Airport Knock, Galway and Kerry Airports commenced on 22 July 2008 and are due to expire on 21 July 2011. The Value for Money (VFM) Review of Exchequer Expenditure on the regional airports programme has been considered by Government and was published on 12 January last.

Having considered the conclusions and recommendations of the Review, the Government has agreed to support the continuation of a Public Service Obligation (PSO) route between Donegal and Dublin and between Kerry and Dublin. The necessary work will now commence involving the European Commission for the PSOs to Kerry and Donegal. Once approved, specifications for the services will be settled and arrangements will be put in place for a tender competition in respect of these two routes. In line with EU rules it is anticipated that this process will take up to 6 months.

Public Private Partnership

126. **Deputy Joe Costello** asked the Minister for Transport the number of public private partnership contracts in which service commenced in each of the past five years; the future financial commitment of the State in each case; the total annual payments by the State; if extra

payments have been paid by the State to date arising from any term of the contracts; and if he will make a statement on the matter. [3176/11]

Minister for Transport (Deputy Pat Carey): As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21 while the implementation of individual national road projects, including Public Private Partnership schemes, is a matter for the National Roads Authority (NRA). I should further clarify that the statutory power to levy tolls on national roads, to make toll bye-laws and to enter into toll agreements with private investors in respect of national roads, is vested in the NRA under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000 and the Roads Act 2007).

Road Network

127. **Deputy Joe Costello** asked the Minister for Transport his policy on the tolling of roads and bridges; the number of roads tolled and the annual income in each case; his plans for further tolling on existing roads including the M50; and if he will make a statement on the matter. [3180/11]

Minister for Transport (Deputy Pat Carey): As Minister for Transport I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. The planning, design and implementation of individual national road projects is in the first instance a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007. In addition, the allocation of funding in relation to the construction or maintenance of national roads is a matter for the NRA under Section 19 of the Roads Act, I should further clarify that the statutory power to levy tolls on national roads, to make toll bye-laws and to enter into toll agreements with private investors in respect of national roads is vested in the National Roads Authority under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000 and the Roads Act 2007).

Proposed Legislation

128. **Deputy John Cregan** asked the Minister for Justice and Law Reform his plans to allow persons the opportunity to pay any fines imposed on them by way of instalments; and if he will make a statement on the matter. [3083/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): The Fines Act 2010 includes provision for the payment of fines by instalment. Section 15, when commenced, will allow a person on whom a fine has been imposed to make an application to the court to pay a fine in this way. It will be possible to pay a fine over a period of 12 months and exceptionally, over a 2 year period. I will commence these provisions as soon as necessary enhancements have been made to the Courts Service ICT system. Section 14 of the Act has however been commenced with effect from 4 January, 2011. This requires the court to take into account the person's financial circumstances before determining the amount of the fine, if any, to be imposed.

Pension Provisions

129. **Deputy Pearse Doherty** asked the Minister for Justice and Law Reform if he will introduce equity in pension entitlements between members of An Garda Síochána who left the force prior to 1 October 1976 and civil servants who left the public service prior to 1 June 1973 all of whom had five years service in view of the inequity in respect of former members of An Garda Síochána arising from the three years and four months advantage enjoyed by former members of the Civil Service; and if he will make a statement on the matter. [3163/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): The preservation of Garda superannuation benefits was agreed with the Garda Representative Bodies at the Garda Conciliation and Arbitration Council. Agreed Report 218, records this agreement and sets an effective date of 1 October, 1976. The Agreed Report did not make provision in respect of members, who resigned prior to 1 October, 1976. There are, currently, no proposals to amend the pension regulations in this matter.

Garda Operations

130. **Deputy Martin Ferris** asked the Minister for Justice and Law Reform if he has contacted his British counterparts in relation to the disclosure that a British undercover policeman (details supplied) was operating in this jurisdiction for several years. [3183/11]

137. **Deputy Martin Ferris** asked the Minister for Justice and Law Reform if the Garda was aware that a person (details supplied), a member of the British police force, was operating here as an undercover agent; and if he will make a statement on the matter. [3178/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): I propose to take Questions Nos. 130 and 137 together.

I am aware of reports which have appeared in relation to the activities of the person in question. I can assure the Deputy that, as with any other individual, the person in question for so long as he may have been here would have been completely subject to our laws. Any person who may have information that the person in any way contravened those laws should make that information available to the appropriate authorities.

In view of the reports which have appeared I have sought a report from the Garda authorities in relation to any relevant information which is available on the activities of the person in question and when I have received that report I will consider whether, and what, further action may be necessary. I am also aware of reports that a series of investigations are under way in the United Kingdom in relation to the activities of this person. I should add that I am informed that the Department of Foreign Affairs has contacted the British Embassy about the reports which have appeared seeking clarification of the matter.

Departmental Agencies

131. **Deputy Richard Bruton** asked the Minister for Justice and Law Reform the number of State agencies identified for abolition or merger in his Department; the number of agencies which have been merged or abolished to date in his Department; the total net savings which have been made in respect of each State agency arising from its merger or abolition in his Department; the likely date for merger or abolition and the reason for the delay in respect of each State agency which has not already been merged with another State agency or abolished in his Department; and if he will make a statement on the matter. [3009/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): The Deputy will be aware that, as part of Budget 2009, a number of measures were agreed for my Department under the heading of Rationalisation of State Agencies. I can inform the Deputy that these measures insofar as they relate to my Department have been completed.

I would also like to draw the Deputy's attention to my Department's long standing shared services approach for the delivery of IT, financial and human resources services to the Department and its agencies and associated bodies. This strategy, which has been in place for many years, has allowed my Department and our associated agencies in the Justice Group to benefit from significant economies of scale and other efficiencies. The shared service approach adopted

by my Department is fully consistent with the November 2008 *Report of the Task Force on the Public Service* which recommended greater use of a shared service approach for the delivery of services in the public sector. I might also add that the Department provides payroll and other financial services not only to organisations in the Justice Group but to other Government Departments and bodies.

The *Report of the Special Group on Public Sector Numbers and Expenditure Programmes* (“McCarthy Report”) observed that there are “*already some well-developed examples of the use of shared services across the Justice Group*” citing my Department’s Financial Shared Services and IT Shared Service. The Department continues to keep the shared services approach under review with a view to achieving additional efficiencies and, where possible, extending the services to other bodies and agencies.

Garda Operations

132. **Deputy Charlie O’Connor** asked the Minister for Justice and Law Reform if he will make additional resources available to the gardaí at Tallaght, Dublin 24, to allow them to deal effectively with crime, vandalism and anti-social behaviour at a location (details supplied) in Dublin 24; if he will appreciate the concern of the local community in respect of these matters; and if he will make a statement on the matter. [3060/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): The allocation of resources, including personnel, in An Garda Síochána is a matter for the Garda Commissioner and senior Garda management. I have however, been informed by the Garda authorities that the personnel strength of Tallaght Garda Station and Tallaght Garda District, which cover the area referred to by the Deputy, on the latest date for which figures are readily available, was 199 and 275 respectively.

The area in question is regularly patrolled by uniformed and plain clothes members of the Mountain Bike, Community Policing, detective and other units in An Garda Síochána. There is also close liaison between Community Gardai and local community representatives and organisations. The specific needs of the area are continually monitored and reviewed by local Garda Management so that optimum use is made of Garda resources and the best possible service is provided to the general public.

Garda Strength

133. **Deputy Paul Kehoe** asked the Minister for Justice and Law Reform the number of Garda superintendents who have retired in the past three years; the number of these posts that have been filled by permanent appointments and the number by acting appointments; and if he will make a statement on the matter. [3085/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): I have been informed by the Garda authorities that the number of members of An Garda Síochána of Superintendent Rank who have retired since 1 January 2008 are outlined below.

	Voluntary Retirements	Compulsory Retirements	Total
2008	2	10	12
2009	25	1	26
2010	11	3	14
2011	Nil	Nil	
Total			52

[Deputy Brendan Smith.]

Positions at Superintendent level are not filled by ‘acting up’. In some cases, Inspectors are nominated to perform certain duties which they are empowered to do. The number of members at Superintendent rank, on the latest date for which figures are readily available, was 169.

Decentralisation Programme

134. **Deputy Denis Naughten** asked the Minister for Justice and Law Reform when the decentralisation to the new PRA offices in Roscommon town will be completed; and if he will make a statement on the matter. [3089/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): I am pleased to inform the Deputy that the new offices of the Property Registration Authority (PRA) in Roscommon Town have opened and that 76 staff who had been in temporary accommodation have moved into the building. Further staff will follow in due course.

Road Safety

135. **Deputy Finian McGrath** asked the Minister for Justice and Law Reform if he will support a matter (details supplied) regarding HGV vehicles. [3171/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): I am not in a position to provide the information sought by the Deputy at this time, but will do so as soon as the information is available.

Coroners Service

136. **Deputy Lucinda Creighton** asked the Minister for Justice and Law Reform if he will list all coroners here; the number of inquests they presided over in the years 2007, 2008, 2009, 2010 and to date in 2011; the amount each coroner was paid in each of those years; and if he will make a statement on the matter. [3175/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): Details of coroners, the districts that they serve and their caseloads in 2007, 2008 and 2009 are published on the website — *www.coroners.ie*. Coroners are independent office holders and funded through the local authorities. Returns for 2010 have been sought by my Department and it is hoped to have these published on the website towards the end of February. Figures to date in 2011 are not yet available.

The payments made to coroners by local authorities in 2007, 2008 and 2009 are set out on the table. Payments to coroners are on a fee per item basis and cover not only inquests (€522.97 per case), but cases in respect of deaths reported which do not proceed to post mortem or inquest (€129.68 per case), and cases involving post mortems only (€188.54 per case). They also incorporate annual retainers paid to cover the costs of staffing, accommodation and general office costs.

Area	2007	2008	2009
	€	€	€
Carlow	48,867.02	47,371.14	45,019.25
Cavan	64,371.03	58,010.67	65,544.12
Clare	97,423.42	107,804.92	86,781.03
Cork South	73,303.33	65,425.61	72,868.00
Cork North	80,092.71	82,827.16	90,823.56

Area	2007	2008	2009
	€	€	€
Cork West	46,051.35	49,650.13	45,195.91
Cork City	257,229.54	297,104.06	275,055.53
Donegal SW	25,627.34	30,295.51	30,692.16
Donegal NE	16,573.13	27,737.93	28,582.34
Donegal NW	49,249.52	60,736.47	71,201.71
Donegal SE	23,933.50	29,399.04	31,954.17
Dublin County	422,406.16	476,537.92	506,464.91
Dublin City	328,534.66	332,356.15	351,135.39
Galway North	23,490.40	27,992.92	26,481.96
Galway West	120,730.45	135,937.02	129,585.74
Galway East	80,130.08	84,536.16	75,647.28
Kerry North	*	*	25,136.53
Kerry SE	39,119.18	47,696.41	45,966.20
Kerry West	*	*	60,110.31
Kildare	108,780.71	119,429.32	117,427.90
Kilkenny	57,220.45	71,697.24	46,113.90
Leitrim	38,911.34	32,691.02	37,129.26
Laois	51,444.13	52,443.44	52,708.47
Limerick SE	81,393.53	89,175.15	91,370.38
Limerick West	*	*	26,499.90
Limerick City	26,100.22	32,262.16	25,265.27
Longford	23,686.91	36,145.31	35,324.91
Louth	107,925.32	114,445.98	113,971.86
Mayo East	20,878.54	17,479.79	20,116.62
Mayo South	87,868.73	91,621.29	94,645.44
Mayo North	32,868.58	31,546.52	27,481.00
Meath	60,705.95	74,508.10	92,250.12
Monaghan N	25,559.60	29,615.94	25,919.01
Monaghan S	24,532.52	25,226.12	28,028.83
Offaly	51,439.75	55,367.62	62,424.62
Roscommon	50,469.61	70,888.34	50,596.28
Sligo	81,204.32	79,561.72	81,053.71
Tipperary NR	30,342.94	38,943.06	Amalgamated with Tipp West
Tipperary SR	38,685.13	60,147.72	69,494.02
Tipperary East	22,990.95	31,395.77	49,015.44
Waterford East	27,661.06	32,173.52	31,146.19
Waterford West	16,998.56	20,808.89	22,754.60
Waterford City	49,106.88	52,700.13	54,549.34
Westmeath	61,671.71	73,188.26	69,310.67
Wexford North	41,264.73	27,758.77	53,354.35
Wexford South	52,236.74	74,904.95	50,853.99
Wicklow West	24,387.40	24,709.43	25,309.01
Wicklow East	56,723.04	53,256.20	55,860.92

*Returns awaited.

Question No. 137 answered with Question No. 130.

Prison Staff

138. **Deputy Denis Naughten** asked the Minister for Justice and Law Reform, further to Parliamentary Question No. 259 of 16 December 2010, his plans to recruit electricians within the prison system; and if he will make a statement on the matter. [3188/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): I am informed by the Director-General of the Irish Prison Service that there are no plans at present to seek the recruitment of electricians for the Prison Service, as the requirement for electricians is adequately met by the resources currently available. The Deputy will also be aware that the Irish Prison Service is subject to the operation of Government Decision S180/20/10/0964C of 3 February and 24 March 2009 on the implementation of savings measures on public service numbers, more generally referred to as the moratorium on public sector recruitment; and is also operating within the terms of the Public Service Agreement 2010-2014, more generally referred to as the Croke Park agreement. Any future requirement to recruit electricians to the Prison Service will be addressed in the context of these agreements.

Residency Permits

139. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform if family reunification will be allowed in the case of a person (details supplied) in County Kildare whose guardian in their homeland has passed away and whose well-being may be under threat; if arrangements can be made to facilitate reunification; and if he will make a statement on the matter. [3193/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): I wish to inform the Deputy that family reunification is permitted only in cases involving persons who have been granted either refugee status or subsidiary protection, and the person to whom he refers is not in this category. As I have informed the Deputy on many previous occasions, the granting of permission to remain under the revised arrangements for the non-EEA parents of children born in the State prior to 1 January, 2005, known as the IBC/05 Scheme, does not confer any entitlement or legitimate expectation on any other person, whether related to the person granted permission or not, to enter the State. All applicants to the Scheme signed an undertaking to this effect both in 2005 and on renewal in 2007. I should add that while the circumstances of this individual case, as outlined by the Deputy, are a matter of concern to me, more detailed information is required from the mother of the child concerned. I should also point out that it would appear to be open to her to return to Nigeria to take care of her daughter.

If the Deputy wishes to provide additional information I would remind him 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.

140. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding residency in the case of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [3194/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the person referred to is the subject of a Family Reunification application made in March 2009. I am further informed that INIS will be writing out to the legal representative of the person referred to shortly. INIS are also currently

awaiting an inter-departmental report which once received will form part of the consideration of the application.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Decentralisation Programme

141. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform if civil servants at various levels seeking to relocate to an area closer to their homes can or will be facilitated in instances where a person in their own Department or alternative Department is willing to transfer to their location; and if he will make a statement on the matter. [3197/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): I am advised by the Human Resources Division of my Department that, in general, requests for “head-to-head” transfers are dealt with sympathetically, having due regard to the various protocols and arrangements in place to deal with transfers in the Civil Service. Where a “head-to-head” transfer involves another Government Department, both Departments must be satisfied as to the suitability of the transferees, with particular reference to their respective performance and attendance records.

Residency Permits

142. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the progress to date in the determination of residency or family reunification in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [3205/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): I refer the Deputy to my previous replies to Parliamentary Questions in this matter. I am informed by the Irish Naturalisation and Immigration Service (INIS) that the person referred to is the subject of a Family Reunification application made in April 2010. The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. The investigation was completed in June 2010 and a report was forwarded to INIS. The application will be considered by INIS and a decision will issue in due course.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

143. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform if the serious health conditions of their child was taken into account when determining the residency in the case of a person (details supplied) in Dublin 8; if compassionate or humanitarian circumstances were taken into account or will be taken into account; if he will defer any further action in the case to facilitate urgent hospitalisation requirements in respect of the child; and if he will make a statement on the matter. [3206/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): I refer the Deputy to my detailed Reply to his Parliamentary Question No. 540 of Wednesday, 12 January 2011, in this

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matter. The position in the State of the persons concerned is as set out in that Reply. The Deputy should note that all cases are considered on their individual merits and this will also apply in the cases of the persons concerned. The Deputy may be assured that all representations submitted for consideration, including those of a medical nature, will be carefully considered before a final decision is taken.

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.

144. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform if the period of residency here and all other personal circumstances have been considered in the case of a person (details supplied) in Dublin 6; and if he will make a statement on the matter. [3207/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): As the name of the person referred to by the Deputy does not match the reference number supplied, it is not possible to provide the information sought at this time. However, information on the particular case the Deputy is referring to will be provided if he supplies my Department with the correct name and reference number.

In that context 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.

145. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the extent to which a person (details supplied) in Dublin 2 has permission to remain, study and or work part-time; if required update of documentation is in place; and if he will make a statement on the matter. [3208/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): I have been informed that the person referred to by the Deputy currently has permission to remain in the State on student conditions until 13 June 2011. Students who have a Certificate of Registration showing Stamp 2 from the Garda National Immigration Bureau are entitled to work 20 hours per week during college term and 40 hours per week during holidays. Students are entitled to remain in the State for the duration of their studies. Their permission to stay in the State is temporary and they would be expected on completion of their courses to leave the State.

Non-EEA students do not derive from this status permission to reside in the State beyond the duration of their studies. In particular, the period of time they spend in the State on student status does not count towards the qualifying criteria for long term residence or naturalisation as an Irish citizen.

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.

146. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform if consideration has been given to the welfare and well-being in the case of a person (details supplied) in County Mayo whom it is proposed to deport; and if he will make a statement on the matter. [3209/11]

147. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the extent to which personal circumstances and potential threat to life and well-being in their homeland was examined in the case of a person (details supplied) in County Mayo; if human rights and humanitarian issues feature in any such evaluation; if the circumstances will warrant further review; and if he will make a statement on the matter. [3210/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): I propose to take Question Nos. 146 and 147 together.

I am satisfied that the application for asylum made by the persons concerned was fairly and comprehensively examined before decisions to refuse were arrived at. I am equally satisfied that the representations they submitted for consideration under Section 3 of the Immigration Act 1999 (as amended), together with all refoulement issues, were given the fullest consideration before the Deportation Orders were made. This being the case, the decision to deport them is justified.

There remains the option of applying to me for revocation of the Deportation Orders pursuant to the provisions of Section 3 (11) of the Immigration Act, 1999, as amended. However I wish to make clear that such an application would require substantial grounds to be successful.

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.

148. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the case history to date in the determination of residency in respect of a person (details supplied) in Dublin 2; and if he will make a statement on the matter. [3211/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): The person concerned applied for asylum on 21 March 2007. Following investigation by the Office of the Refugee Applications Commissioner, it was established that the person concerned had previously made an asylum application in France and, as such, a determination was made that the person concerned should be transferred to France for the purposes of having his asylum application examined there. This determination was upheld following an appeal to the Refugee Appeals Tribunal.

Consequently, a Transfer Order was signed in respect of the person concerned on 1 May 2007. This Order was served on the person concerned which placed a legal obligation on him to present himself at the Offices of the Garda National Immigration Bureau (GNIB), on Wednesday, 16 May 2007 to make arrangements for his formal transfer to France. The person concerned failed to 'present' on this occasion and was therefore classified as having 'evaded' his transfer. The person concerned became illegally resident in this State at that time.

The person concerned continued to evade his transfer with the consequence that the Transfer Order expired leaving Ireland responsible for processing his asylum application. At this point the case of the person concerned was referred back to the Office of the Refugee Applications Commissioner for the purposes of having his asylum claims investigated. Arising from the

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refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 24 April 2009, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The position in the State of the person concerned now falls to be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Citizenship Applications

149. **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 Dublin 8; and if he will make a statement on the matter. [3212/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): 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 February 2010. The application is being processed in the normal way with a view to establishing whether the applicants meet the statutory conditions for the granting of naturalisation and will be submitted to me for decision in due course.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Residency Permits

150. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the procedures to date and yet to be followed in connection with an application for update and residency status, Garda National Immigration Bureau card, leave to remain or naturalisation in respect of a person (details supplied) in County Louth; and if he will make a statement on the matter. [3213/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): I refer the Deputy to my detailed Reply to his Parliamentary Question, No. 998 of Wednesday, 29th September, 2010 in this matter. The position in the State of the person concerned will now be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of

the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned. The Deputy should note that it is only in circumstances where permission to remain has been granted, that a Garda National Immigration Bureau card would be issued to a person.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

151. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform when an updated Garda National Immigration Bureau card will issue in respect of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [3214/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): The Deputy should note that my Department has no record of the person concerned being granted permission to remain in the State. It is only in circumstances where permission to remain has been granted, that a Garda National Immigration Bureau card would be issued to a person.

The position in relation to the person concerned is that he applied for asylum on 18 April 2006. Following investigation by the Office of the Refugee Applications Commissioner, it was established that the person concerned had previously made an asylum application in Germany and, as such, a determination was made, in accordance with the provisions of the Dublin II Regulations, that the person concerned should be transferred to Germany for the purposes of having his asylum application examined there. Consequently, a Transfer Order was signed in respect of the person concerned on 14 July 2006. This Order was subsequently served on the person concerned, by letter dated 17 July 2006, which placed a legal obligation on him to 'present' himself at the Offices of the Garda National Immigration Bureau (GNIB), on Monday 24 July 2006, to make arrangements for his formal transfer to Germany. The person concerned failed to 'present' on this occasion and was therefore classified as having 'evaded' his transfer. The person concerned became illegally resident in this State at that time.

The person concerned continued to evade his transfer with the consequence that the Transfer Order ultimately expired leaving Ireland responsible for processing the asylum application of the person concerned. At this point the case of the person concerned was referred back to the Office of the Refugee Applications Commissioner for the purposes of having his asylum claims investigated. Subsequently, the Office of the Refugee Applications Commissioner made a recommendation that the person concerned be refused a declaration of refugee status.

In accordance with Section 3 of the Immigration Act, 1999 (as amended), the person concerned was informed, by letter dated 21 February 2008, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should be allowed to remain temporarily in the State. In addition, he was notified of his entitlement to apply for Subsidiary Protection in the State in accordance with the European Communities (Eligibility for Protection) Regulations, 2006 (S.I. No. 518 of 2006).

The person concerned submitted an application for Subsidiary Protection in the State in accordance with these Regulations and this application is under consideration at present. When

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consideration of this application has been completed, the person concerned will be notified in writing of the outcome. The person concerned submitted an application for re-admittance to the asylum process under Section 17(7) of the Refugee Act, 1996 (as amended). Following consideration of the evidence submitted the application was refused. The person concerned was notified of this decision by letter dated 14 April 2008.

In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

152. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform, further to Parliamentary Question No. 331 of 24 November 2010, if a detailed examination of the application for residency and leave to remain has been fully undertaken in respect of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [3215/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): The person referred to by the Deputy applied for Asylum on 5/12/2005. The claim was assessed by the Refugee Applications Commissioner who concluded that the person concerned did not meet the criteria for recognition as a refugee. The Commissioner's recommendation was communicated to her by letter dated 16/1/2008. This communication advised the person of her entitlement to appeal the Commissioner's recommendation to the Refugee Appeals Tribunal, which she duly did.

The Refugee Appeals Tribunal considered the person's appeal, following which the Tribunal affirmed the Commissioner's earlier recommendation to reject her claim. The outcome of the appeal was made known to the applicant by letter dated 12/1/2011. In accordance with normal procedures, the applicant's file has been forwarded to my Department's Ministerial Decisions Unit for final processing of the asylum claim. A letter will now issue to her from my Department advising her formally that her asylum claim has been rejected and affording her three options as follows:

1. Return home voluntarily
2. Consent to the making of a deportation order, or
3. Make written representations to me within 15 working days under Section 3 of the Immigration Act, 1999 and/or make an application for subsidiary protection under the European Communities (Eligibility for Protection) Regulations 2006 (SI No. 518 of 2006).

153. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the extent to which an application for family reunification has been completed in respect of a person (details supplied) in Dublin 6W in view of the humanitarian issues involved; and if he will make a statement on the matter. [3216/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy is

the subject of a Family Reunification application made by her son in January 2010. The investigation has been completed and the Commissioner has forwarded a report to INIS. The application is currently under consideration by INIS. INIS are currently waiting for an inter-departmental report, upon receipt of same INIS will contact the applicant.

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.

154. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for long-term residency in the case of a person (details supplied) in County Kildare; if this file will be reviewed at an early date; and if he will make a statement on the matter. [3232/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): I refer the Deputy to Parliamentary Question No. 546 of Wednesday 12 January, 2011 in this matter. The position in the State of the person concerned is as set out in that Reply. I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

155. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the expected status in the case of an application for residency in the case of a person (details supplied) in Dublin 2; and if he will make a statement on the matter. [3233/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 29 June 2006, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. Representations have been received on behalf of the person concerned.

The position in the State of the person concerned will now be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

156. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for residency in the case of a person (details supplied) in Dublin 2; and if he will make a statement on the matter. [3234/11]

Minister for Justice and Law Reform (Deputy Brendan Smith): I refer the Deputy to my detailed Replies to his Parliamentary Questions, No. 970 and 1090 of Wednesday, 29 September, 2010 in this matter. The position in the State of the person concerned will now be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Passport Applications

157. **Deputy Richard Bruton** asked the Minister for Foreign Affairs if he will review the policy of not returning passports which have been found (details supplied); and if he will make a statement on the matter. [3084/11]

Minister for Foreign Affairs (Deputy Brian Cowen): As part of the policy to protect the integrity, security and international reputation of the Irish passport, all passports which are reported lost or stolen are immediately cancelled. This cancellation notice is circulated to worldwide border control agencies through Interpol on a daily basis. This policy equally applies to those passports which are found by third parties and returned to the Passport Service. The policy has been developed in accordance with EU regulations and our international obligations to other States in relation to lost and stolen passports.

In relation to this specific case, the Passport Service received the passport from a third party. As the Passport Service could not be certain as to who had possession of the passport immediately before it was found, the only option available was to cancel the passport and to notify this cancellation to Interpol. This is normal policy and, whereas it may unfortunately be inconvenient for the passport holder, it is necessary and essential to ensure that the passport has not been compromised in any way. It should also be noted that where a citizen has a poor passport record, such as in the case where two or more passports have been lost, restrictions will apply to the validity period of the next passport obtained. The general advice to citizens remains that passports are valuable documents and should be kept in a safe place while at home and looked after carefully when travelling.

Departmental Agencies

158. **Deputy Richard Bruton** asked the Minister for Foreign Affairs the number of State agencies identified for abolition or merger in his Department; the number of agencies which have been merged or abolished to date in his Department; the total net savings which have been made in respect of each State agency arising from its merger or abolition in his Department; the likely date for merger or abolition and the reason for the delay in respect of each State agency which has not already been merged with another State agency or abolished in his Department; and if he will make a statement on the matter. [3007/11]

Minister for Foreign Affairs (Deputy Brian Cowen): There are no State agencies operating under the aegis of the Department of Foreign Affairs.

EU Policy

159. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent, if any, to which any particular diplomatic initiative is planned to address issues in the various EU member states arising from the ongoing economic situation; and if he will make a statement on the matter. [3218/11]

Minister for Foreign Affairs (Deputy Brian Cowen): Addressing the very considerable economic challenges which the Union currently faces is a top priority of the incoming Hungarian Presidency of the Council of the European Union, which has identified economic growth, the creation of employment and the enhancement of the sustainable competitiveness of Europe for particular focus during the first half of 2011. Ireland, in common with our EU partners, shares this focus and is committed to realising this goal.

Addressing the economic situation and related matters have already featured on the agenda of the first ministerial meeting of the Hungarian Presidency, the informal meeting of Ministers for European Affairs on 13 and 14 January, as well as at the Euro Group meeting and Ecofin Council earlier this week. Right across the various EU fora, the ongoing economic situation is receiving priority attention. The most recent meeting of the European Council last month agreed on the Treaty change needed in order to establish a permanent crisis mechanism to safeguard the financial stability of the euro area as a whole. A process of consultation is now underway with the European Parliament, the European Commission and the European Central Bank. It is intended that this Treaty amendment will be formally adopted at the March European Council, following this process of consultation.

The European Stability Mechanism (ESM) will replace the existing European Financial Stability Facility (EFSF) and the European Financial Stabilisation Mechanism (EFSM). The December 2010 European Council also called for Finance Ministers of the euro area and the Commission to finalise work on the intergovernmental arrangement setting up the future ESM by March 2011, integrating the general features set out in the Eurogroup statement of 28 November 2010, which were endorsed by the European Council. Work on the elaboration of the ESM will be undertaken in a Eurozone working group.

Furthermore last month, euro area leaders affirmed that they stand ready to do whatever is required to ensure the stability of the euro area as a whole, including through the development over the coming months of a comprehensive response to any challenges to the stability of the euro area as a whole.

At the same time, work is continuing on the roll out of the first European Semester this spring, which is designed to integrate and strengthen various aspects of existing EU budgetary and macro-economic surveillance procedures, and to deliver greater ex ante coordination of economic policies and discussion of national fiscal policy intentions before they take the form of detailed budgetary proposals later in the year. This process sees Member States submitting their Stability and Convergence Programmes, under the Stability and Growth Pact, as well as their National Reform Programmes, under the Europe 2020 Strategy for jobs and growth, both during the spring. The Commission has in turn, earlier this month, published its first Annual Growth Survey for the EU, including analysis of recent performance and prospective developments at Member State level. This will inform subsequent consideration by the ECOFIN Council and the Spring European Council. Based on this work, the Council will identify the main economic challenges facing the EU and provide policy guidance.

Strengthening European economic governance is an issue to which the European Council has assigned very high priority over recent months, including through the establishment of a Task Force, chaired by European Council President Van Rompuy, to address this issue. The

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report of this Task Force was endorsed by the October 2010 European Council. The Commission also published a set of legislative proposals in September 2010, which complement the recommendations of the Van Rompuy Task Force, designed to strengthen the Stability and Growth Pact and to broaden the scope of economic surveillance.

Across each and every one of these and other EU fora, Ireland is engaging proactively with our EU partners as well as with the institutions, to ensure that the focus of the EU remains on how it can address this most pressing of issues — the ongoing economic situation.

Question No. 160 answered with question No. 30.

International Diplomacy

161. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the steps he and his EU colleagues continue to take to establish and improve dialogue with Cuba; and if he will make a statement on the matter. [3220/11]

Minister for Foreign Affairs (Deputy Brian Cowen): Minister Martin met with the Cuban Foreign Minister, Bruno Rodriguez Parilla on 19 May 2010 during his visit to Dublin. During this meeting, a range of bilateral and multilateral issues, including EU-Cuba relations were discussed. At the Foreign Affairs Council in October 2010, Ministers considered developments in Cuba, including the release of political prisoners and the announcement of economic reform. The High Representative was tasked with exploring the future relationship between the EU and Cuba, and this process of review is ongoing. It is my view that there have been significant developments in Cuba over the last six months and merit a response on the EU side in order to advance our bilateral relationship and encourage further progress.

Foreign Conflicts

162. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the position regarding human rights and other issues in Darfur; and if he will make a statement on the matter. [3221/11]

Minister for Foreign Affairs (Deputy Brian Cowen): The persistence of the conflict in Darfur, albeit at a lower level than the intense violence of 2003-2004, and the continuing suffering of the people in the region are of grave concern. The UN estimates that the past seven years of conflict there have resulted in the deaths of over 300,000 people and the displacement of nearly three million while there are reports of ongoing security incidents, human rights abuses and displacement of civilians.

The best hope for an improvement in the conditions facing the Darfuri population is a comprehensive, negotiated settlement between the Government of Sudan and rebel groups, as provided for by the Comprehensive Peace Agreement of 2005 which brought to an end the North-South civil war in Sudan. The African Union and the United Nations, through the efforts of the joint UN-AU mediator, Djibril Bassolé, and the former president of South Africa, Thabo Mbeki, are active in facilitating talks between the parties to the Darfur conflict, hosted in Doha by the State of Qatar. While some progress was achieved in 2010 in bringing the larger rebel groups into the process, other armed groups remain outside the talks process, and progress on substantive issues has been slow.

Regrettably, the Government of Sudan temporarily suspended its participation in the Doha talks process at the end of last year, citing a lack of progress on political issues, although it has reaffirmed its commitment to reaching a comprehensive settlement. A priority must be the

conclusion of cease-fire agreements on the ground between the Sudanese Government and the rebel groups as a prelude to substantive negotiations. I call on the rebel groups to engage genuinely in such negotiations and I call on the authorities in Khartoum to return to the talks table in Doha so that progress can be achieved in the interest of the people of Darfur. It is to be hoped that a positive outcome to the referendum process in Southern Sudan will contribute to a political environment in which this progress can be achieved.

In the meantime, Ireland, together with its EU partners, remains committed to supporting AU and UN efforts to reach a negotiated settlement in Darfur that will address all aspects of the conflict including the humanitarian and human rights situation, and we will continue to closely monitor the situation on the ground.

163. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he and his EU colleagues have continued to monitor the situation in each of the African states currently affected by war, famine, human rights or genocide; the degree to which assistance is being delivered in such situations; and if he will make a statement on the matter. [3222/11]

Minister for Foreign Affairs (Deputy Brian Cowen): There are several countries in Africa which are suffering from conflict, food shortages, and human rights abuses, and some which have suffered genocide. The international community continues to intervene to address these issues on the African continent, whether on a bilateral or multilateral basis. With regard to the issue of hunger and famine, it is estimated that more than a billion people today do not have enough food. Ireland is responding to this challenge, working bilaterally in our Programme Countries with our EU partners and other donors, and at a global level through the UN agencies.

With regard to security, UN and EU peace-keeping missions in Africa have a role in stabilising former and current conflict zones. Since the 1960s members of the Irish Defence Forces have participated in numerous UN and EU peace-keeping missions in Africa, and continue to do so.

With regard to the thankfully rare cases of genocide, there are a number of current situations in Africa which give rise to continuing concern. The UN Special Adviser on the Prevention of Genocide is mandated to alert the international community to the potential of genocide in a particular country or region, and to make recommendations on actions to prevent or halt genocide.

Active participation in multilateral organisations such as the EU and the UN, in particular the Human Rights Council, provides opportunities for Ireland to voice its concerns regarding human rights abuses. Through these organisations, international pressure can be brought to bear on those responsible for the violation of human rights.

In developing a sustainable approach which properly addresses the root causes of all these issues, and other problems, Ireland takes the view that African leadership and responsibility are crucial. This is recognised by the EU and UN, which are both working to build the capacities of African States and the African Union to respond to these challenges. Ireland is committed to playing its part in this work, and I believe that our comprehensive and inclusive approach to these challenges stands the best chance of facilitating real and positive change in the lives of millions of people in Africa.

Emigrant Support Services

164. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he has had any discussions with authorities in the US in the matter of the undocumented Irish;

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if he has or intends to put forward any new initiatives to address these issues; and if he will make a statement on the matter. [3223/11]

Minister for Foreign Affairs (Deputy Brian Cowen): Finding a solution for our undocumented citizens in the United States remains an important priority for this Government. The Government is also committed to working with our friends in Congress to enhance Ireland's bilateral visa arrangements with the US through the establishment of a two year renewable E-3 visa facility. The Government is encouraged by President Obama's continued commitment to resolving this issue — a view he shared when the Taoiseach and Minister Martin met him in Washington in March of last year. President Obama has since reiterated that commitment on a number of occasions and will make his State of the Union address on January 25th, when the administration's policy priorities are expected to be also outlined.

However, the outcome of the Congressional elections on 2 November presents significant new political challenges for immigration reform legislation. The failure of efforts to pass the limited DREAM Bill at the end of 2010 highlights the difficulties involved in passing any immigration legislation in the period ahead.

Senior officials of my Department had talks in Washington in late November, on the issue of Irish immigration to the US. They discussed the issue of the undocumented, the conditions in which Irish citizens are held prior to deportation, the operation of the existing working holiday visa programmes and possibilities for the political agreement on the immigration issues following the November elections.

Our Ambassador in Washington met this week with the incoming Chairs of the House Judiciary and Immigration Policy and Enforcement Committees. As both have just taken up their new role, the meetings provided an opportunity to re-iterate our position, in particular in relation to the undocumented and the E-3 type visa and to learn more about their plans for the Committees. These Committees have not yet been fully constituted and it is unlikely that there will be moves in the near-term to introduce significant immigration reform legislation.

My Department and our Embassy in Washington, in particular, will continue to maintain very close contact with the US Administration and Congress, as well as with Irish community advocates, to address this issue in the period ahead. Since 2006, the Government has provided a total support of \$325,000 to the Irish Lobby for Immigration Reform and in September of this year, I met with the Coalition of Irish Immigration Centres and the Irish Lobby for Immigration reform to discuss the prospects for reform.

I am very much aware of the difficulties confronting undocumented Irish citizens in the United States and the distress which both they and their families in the US and Ireland experience arising from their situation. I would urge anybody who might be tempted to follow in the footsteps of the undocumented to take account of their plight.

Middle East Peace Process

165. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent, if any, to which he and his EU colleagues continue to address the humanitarian issues in Gaza; the extent to which he and his EU colleagues continue to engage with the Israeli authorities in an effort to resolve these issues; and if he will make a statement on the matter. [3224/11]

Minister for Foreign Affairs (Deputy Brian Cowen): The EU has continued to follow closely developments in relation to the blockade of Gaza following the announcement by Israel in June of a significant easing of the terms of the blockade. The measures to ease the blockade have, so far, proved inadequate and we need to see much greater action from Israel and more

quickly, if conditions in Gaza are to be genuinely improved. The level of imports in the first week of January still only amounted to about one-third of the level of routine shipments before the blockade was imposed. Serious concerns remain about the overall volume of goods, severe restrictions on construction materials, and refusal to permit normal movement of persons. This is a process which the EU is watching closely.

The EU's continuing concern over the situation in Gaza was reiterated at last month's meeting of the Foreign Affairs Council, which also, yet again, called for the immediate, sustained and unconditional opening of the crossing points for the flow of humanitarian aid, commercial goods and persons, to and from Gaza. Since all shipments into Gaza remain subject to Israeli security checking, the physical capacity of the three remaining crossing points is a significant constraint on supplies to Gaza. This problem will be exacerbated by reports of the likely closure of the conveyor belt at the former Karni crossing. Its closure without replacing its capacity elsewhere would further exacerbate shortages of construction materials and vital food supplies in the territory.

The final closure of Karni would leave only two crossings open between Israeli and Gaza — Erez for pedestrians and Kerem Shalom for goods. The closure would run contrary to recent efforts to improve access to Gaza and Israel's expressed intention to facilitate the resumption of exports from the territory. The resumption of exports is essential to Gaza's economic recovery. While I welcome the intended resumption of exports, I would urge the Israeli authorities to reconsider the closure of the Karni crossing. The closure will lead to further shortages and affect the lives of ordinary Gazans.

HR Ashton has continued to pay close attention to the situation in Gaza and raised the issue during her visit to the region at the start of January. The EU is also considering practical assistance to the Palestinian side to help increase capacity at the border crossings. Ireland will both bilaterally and in discussion with our EU colleagues ensure that attention remains on the problems of Gaza. While there has been some modest progress, it is very clear that much more needs to be done, and more quickly.

166. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the position regarding the Middle East process; the extent to which he and his EU colleagues have addressed the issues arising on an ongoing basis; and if he will make a statement on the matter. [3225/11]

Minister for Foreign Affairs (Deputy Brian Cowen): I refer the Deputy to my answer to the Priority Question on the same issue on today's Order Paper, a transcript of which is below.

As Deputies are aware, the direct Israeli-Palestinian talks were suspended shortly after they began in September, following Israel's refusal to extend its partial freeze on settlement construction. The United States, as the convenor of the talks, engaged in a period of intensive engagement with the parties, and particularly Israel, to try and bring about a resumption of that freeze, and thus of the talks. The US view was that a period of intensive and committed engagement to negotiations on the final status issues, especially the issue of borders, could take the heat out of the settlement issue, and allow for further progress.

Regretfully, but in my view realistically, the US concluded in December that this approach was not going to succeed, both because the demands of Prime Minister Netanyahu in return for a renewal of the freeze were too high, and because there was a general lack of confidence that the time provided by a short extension to the freeze would be enough to make real progress.

Secretary Clinton has made clear that the US Administration remains firmly committed to the talks process, which is expected for the moment to continue by reverting to the proximity talks model. The US is also engaged in internal reflection, and consultation with other parties,

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including the EU, on what might be the next steps to move the process forward. The Quartet are also expected to meet shortly with the same object.

The priority objective of the EU is to support these efforts to restart the talks. Clearly, a final agreement can only come about through the two sides working through the key issues, with whatever assistance the international community can give. High Representative Ashton visited the region on 5-6 January to learn the views of both sides and encourage them to move forward, and the EU has also continued to discuss these issues with the US, with other Quartet members, and with other parties in the region. Ireland will remain actively engaged, both bilaterally in the region and within the EU, to support this process. We will also continue to work to highlight and improve the practical justice and humanitarian issues on the ground resulting from the continued Occupation .

Natural Disasters

167. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the extent to which he and the international community are able to respond more rapidly to natural or humanitarian disasters throughout the world; and if he will make a statement on the matter. [3226/11]

168. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs if any review has taken place at EU or UN level to address the issue of a more immediate response and focus in respect of international disasters; and if he will make a statement on the matter. [3227/11]

Minister of State at the Department of Foreign Affairs (Deputy Peter Power): I propose to take Questions Nos. 167 and 168 together.

The international humanitarian system has undergone significant reform since the Asian tsunami of 2004. Important lessons have been learned in the intervening period regarding the shortcomings of the response to that disaster and major steps have been taken to improve the effectiveness, predictability and accountability of the system as a whole. Ireland has played an important role in this process in practical, financial and policy terms.

Together with a number of other like-minded donor countries, we have worked particularly closely with the UN's Office for the Coordination of Humanitarian Affairs (OCHA) to put in place new systems to improve the way in which aid is delivered and to ensure that coordination on the ground is improved. Central to these efforts has been the establishment of the Cluster System, which brings together different aid agencies working in sectors such as shelter, nutrition, water and sanitation. The aim of this system is to minimise duplication and to provide for better information sharing between the agencies involved.

Another important development has been the establishment of the UN's Central Emergency Response Fund (CERF), which is a pool of funding held by the UN and which can be released within hours of a disaster. Ireland, which was one of the original advocates and drivers behind the creation of this fund, has contributed €76 million to it since 2006. Ireland also contributes substantially to a similar pooled funding mechanism run by the International Federation of the Red Cross known as the Disaster Relief Emergency Fund (DREF). This provides immediate support to national Red Cross or Red Crescent societies in the aftermath of an emergency.

At EU level, there have also been a number of improvements in coordination between Member States and the European Commission, which between them make up the largest donor of development assistance in the world. The European Consensus on Humanitarian Aid, signed by the Presidents of the Council, the European Parliament and the European Commission in December 2007 commits the EU to working closely together to provide an emergency response

based on need and to upholding the principles of good humanitarian practice, namely humanity, neutrality, independence and impartiality.

More recently, the European Commission has put forward a number of detailed proposals on ways in which to further strengthen the EU's disaster response capacity both inside and outside the Union, including through the development of an EU Emergency Response Centre to act as a centre for EU planning, monitoring and coordination as well as the drawing up of an inventory of Member State assets which could be made available in the event of a disaster. The Government strongly supports the Commission's efforts in this regard and will work with it and with other Member States over the coming months, in close consultation with the UN.

At home here in Ireland, Irish Aid has also made a number of significant changes and improvements in how it responds to humanitarian emergencies in recent years. For example and as already indicated, a large portion of our emergency funding is now pre-positioned with partner agencies for immediate release in a crisis. This reduces red tape and ensures aid can be disbursed in the critical hours and days following an emergency.

In addition, Irish Aid has developed a network of humanitarian stockpiles around the globe and close to zones vulnerable to natural or other disasters. This means that emergency supplies can be airlifted at short notice directly to where they are needed. We have also established the Rapid Response Corps, a roster of skilled and experienced volunteers who make themselves available to deploy at short notice to work in humanitarian emergency situations. The Corps currently comprises 155 individuals with specialised skills in logistics, engineering, public health, humanitarian coordination and protection. Individual members of the Corps are deployed at the request of the UN and other humanitarian organisations in need of their specific skills.

All of these new efficiencies mean that Irish Aid is in a position to respond more quickly to an emergency and to have an even greater impact than previously at a lower cost to the taxpayer.

Of course, the challenges involved in responding to humanitarian disasters remain enormous whether for Ireland or for the wider international humanitarian system. Every emergency presents a unique and new set of tests. Nevertheless, and as most observers now agree, the present system represents a major improvement over its predecessors. We are not complacent however and are therefore constantly working both internally and externally with the UN to improve our capacity to respond and to learn lessons from the exceptionally difficult and challenging emergencies which took place in Haiti and in Pakistan last year. Ireland will continue to play an active role in ensuring that the lessons we learn from each and every experience can contribute to an improved and more effective humanitarian response in future emergencies.

Question Nos. 169 and 170 answered with Question No. 18.

EU Enlargement

171. **Deputy Bernard J. Durkan** asked the Minister for Foreign Affairs the degree to which he and his EU colleagues have engaged in addressing any issues emerging in the context of EU enlargement; and if he will make a statement on the matter. [3230/11]

Minister for Foreign Affairs (Deputy Brian Cowen): As a beneficiary of past enlargement, and on the experience of more recent accessions, Ireland is generally supportive of enlargement. The prospect of enlargement bolsters economic and political reform processes and helps to promote stability, security and prosperity in Europe. Ireland takes an active role in discussions on the issue, both at Council meetings and in bilateral discussions with existing and aspirant member states. The issue of enlargement features regularly on the agenda of the

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General Affairs Council, which Ireland attends, and in bilateral discussions with EU Ministerial colleagues.

The December 2010 Council adopted detailed conclusions, subsequently endorsed by the European Council, regarding enlargement generally and in relation to the position of various aspirant member states. The Council reaffirmed the strong support of the EU for taking the enlargement process forward on the basis of the agreed principles and conclusions. The Council's conclusions reiterated that enlargement reinforces peace, democracy and stability in Europe, serves the EU's strategic interests, and helps the EU to better achieve its policy objectives in important areas which are key to economic recovery and sustainable growth.

Enlargement serves as a key driver for political and economic reform, and moves forward at a pace which is largely determined by the (potential) candidate countries' respect of the Copenhagen criteria and their proven capacity to take on the obligations of membership. Every opportunity has been taken to meet with counterparts from candidate and potential candidate countries. Minister Martin met with Croatian Foreign Minister Jandrokovic at the UN General Assembly in New York in September. In November Turkish Minister for European Affairs and Chief Negotiator, Mr. Egemen Bagis, visited Ireland and met with Minister Martin and Minister of State Roche. Most recently, discussions took place with Serbian Foreign Minister Vuk Jeremic when he visited Dublin last week.

Question No. 172 answered with Question No. 30.

Redundancy Payments

173. **Deputy John O'Donoghue** asked the Minister for Social Protection when redundancy payment from the social insurance fund will issue in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [3070/11]

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 a statutory redundancy lump sum claim in respect of the individual concerned was received on 22 September, 2010. This claim is pending processing. Lump sum claims dating from June 2010 are currently being processed.

Job Losses

174. **Deputy John O'Donoghue** asked the Minister for Social Protection the number of persons made redundant in County Kerry in 2010; and if he will make a statement on the matter. [3115/11]

Minister for Social Protection (Deputy Éamon Ó Cuív): On 1 January 2011, my 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. The number of redundancies in County Kerry in 2010 was 1,144.

Redundancy Payments

175. **Deputy Olivia Mitchell** asked the Minister for Social Protection the current average delay for applicants waiting for the processing of a redundancy claim by him; and if he will make a statement on the matter. [3134/11]

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.

The Redundancy Payments Section of the Department is currently processing both types of claims, in general dating from June 2010, so that the waiting time is currently around 6 months. In some instances, where the necessary supporting documentation is not provided or where queries arise, processing of claims can be further delayed until the required documentation is provided and/or outstanding queries are resolved.

176. **Deputy Olivia Mitchell** asked the Minister for Social Protection the reason for the delay in processing a redundancy claim in respect of a person (details supplied) in Dublin 14; if he will confirm that he has received the application; and if he will make a statement on the matter. [3135/11]

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 wish to advise the Deputy that there is no record of a valid redundancy claim on the Redundancy Payments System in respect of the individual in question. It is normal practice not to enter incomplete claims on the system as these claims cannot be processed until the necessary documentation is submitted. Forms are returned in order for missing details and/or supporting documentation to be submitted. Submission of correctly completed redundancy claim forms (RP50s) with all of the required documentation greatly facilitates the processing of claims.

Registration of Marriage

177. **Deputy Pearse Doherty** asked the Minister for Social Protection with regard to notification of intention to marry, if it is the case that a person born in the Six Counties is required to present his or her birth certificate bearing an apostille stamp or a letter from the relevant embassy; his views whether this should be the case for persons born in the North of Ireland; and if he will make a statement on the matter. [3172/11]

Minister for Social Protection (Deputy Éamon Ó Cuív): If a party intending to marry was born in this jurisdiction the requirement is that a birth certificate be produced. If a party intending to marry was born in the jurisdiction of the United Kingdom of Great Britain and Northern Ireland the options for a party intending to marry are to produce a birth certificate bearing an apostille or to have the birth certificate verified by stamping at the embassy.

Departmental Agencies

178. **Deputy Richard Bruton** asked the Minister for Social Protection the number of State agencies identified for abolition or merger in his Department; the number of agencies which

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have been merged or abolished to date in his Department; the total net savings which have been made in respect of each State agency arising from its merger or abolition in his Department; the likely date for merger or abolition and the reason for the delay in respect of each State agency which has not already been merged with another State agency or abolished in his Department; and if he will make a statement on the matter. [3010/11]

Minister for Social Protection (Deputy Éamon Ó Cuív): The three statutory bodies operating under the aegis of the Department are the Social Welfare Tribunal, the Citizens Information Board and the Pensions Board. In addition, the Pensions Ombudsman comes under the remit of the Department. On 1 July 2009, the Combat Poverty Agency integrated with the Office for Social Inclusion within this Department to form the Social Inclusion Division. From 1 May 2010, responsibility for the Social Inclusion Division transferred to the Department of Community, Equality & Gaeltacht Affairs. Responsibility for the Money Advice and Budgeting Service (MABS) transferred to the Citizens Information Board on 13 July 2009.

It was not envisaged that significant savings would arise on the assignment of responsibility for MABS to the Citizens Information Board. Rather the intention was, in line with the Programme for Government, to provide strong management support to the local voluntary MABS companies in the provision of a high quality service to meet the needs of people encountering debt difficulties. Cost efficiencies would be realised in the medium to longer term through co-location of premises and the integration of support services such as administration and IT.

The primary reason for the integration of the Combat Poverty Agency with the Office for Social Inclusion was not to achieve short-term savings, but rather to ensure that the strongest possible mechanisms were put in place to tackle poverty and social exclusion as recommended in the review of the Combat Poverty Agency.

It is not possible to quantify the total net savings which have been made arising from this integration; however, ongoing savings will arise in respect of board members' fees and as a result of the integration of support services such as combined personnel, payroll and ancillary services. Ongoing savings will also arise on account of the non-filling of a number of short-term temporary staff positions that ended in June 2009 and as a result of the redeployment of a small number of administrative and Human Resource support staff.

In accordance with the terms of the lease in place for the offices of the former Combat Poverty Agency, the Department will exercise its right to break out of the lease in March 2011. There will be no penalty for exercising this option and expected annual savings in respect of the facilities' costs are €228,000 (rent and car parking) and €50,000 (ancillary services). At present there are no further plans to abolish or amalgamate any of the other statutory bodies under the aegis of the Department.

Social Welfare Benefits

179. **Deputy Martin Ferris** asked the Minister for Social Protection when a decision will issue on an application for farm assist in respect of a person (details supplied) in County Limerick. [3013/11]

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 16 July 2010. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received back in the Social Welfare Appeals Office on 07 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.

Social Welfare Appeals

180. **Deputy M. J. Nolan** asked the Minister for Social Protection when a decision will issue on a disability allowance appeal in respect of a person (details supplied) in County Carlow. [3035/11]

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 04 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 26 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.

Social Welfare Benefits

181. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection if he will review the decision not to provide mortgage interest supplement in respect of persons (details supplied) in County Monaghan. [3039/11]

Minister for Social Protection (Deputy Éamon Ó Cuív): Supplementary welfare allowance, which includes mortgage interest supplement, is administered on behalf of the Department by the Community Welfare Services division of the Health Service Executive (HSE). The HSE has advised that mortgage interest supplement was refused in this case on the grounds that the person concerned was not in a position to enter the mortgage at the time of the original application, that the amount payable was in excess of what the HSE considered to be reasonable to meet the applicant's residential and other needs and that the mortgage arrears are of such magnitude that payment of a supplement would not prevent repossession of the property. The HSE has further advised that the person concerned has appealed this decision to its designated Appeals Officer and a decision on entitlement will be made in due course.

Social Welfare Fraud

182. **Deputy Darragh O'Brien** asked the Minister for Social Protection the number of social welfare fraud inspectors currently investigating social welfare fraud; and if he will make a statement on the matter. [3068/11]

Minister for Social Protection (Deputy Éamon Ó Cuív): Currently there are 406 inspector posts in the Department of Social Protection. Of this figure, 87 social welfare inspectors are employed on a full time basis in the special investigation units of the Department, whose sole responsibility is the investigation of social welfare fraud.

Social Welfare Benefits

183. **Deputy Michael Ring** asked the Minister for Social Protection the reason the value of

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a person's private family home was taken into account for income purposes for determining the free fuel allowance (details supplied). [3186/11]

Minister for Social Protection (Deputy Éamon Ó Cuív): The means test applied in determining this person's fuel allowance entitlement was based on information provided in his completed claim form, which was submitted in October 2009. In his claim form, the individual concerned indicated that he owned property (other than his own home), which was valued at €100,000. The applicable capital limit for eligibility for fuel allowance is €58,000. If his financial circumstances have changed in the interim, he is advised to submit a new claim for fuel allowance. On receipt of the completed claim form, his entitlement to the allowance will be examined and he will be notified of the outcome without delay.

184. **Deputy Bernard Allen** asked the Minister for Social Protection the position regarding supplementary welfare allowance in respect of a person (details supplied) in County Cork. [3190/11]

Minister for Social Protection (Deputy Éamon Ó Cuív): The supplementary welfare allowance scheme is administered on behalf of the Department by the Community Welfare Services division of the Health Service Executive (HSE). The HSE has advised that the person concerned was refused a rent supplement on the grounds that she was not considered to be habitually resident in the State. It is open to the person concerned to appeal this decision to the HSE's designated Appeals Officer.

Pension Provisions

185. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when contributory old age pension will be awarded to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [3195/11]

Minister for Social Protection (Deputy Éamon Ó Cuív): An application for State pension (contributory) was received from the person concerned on 13th December 2010. His pension entitlement is currently being examined. On completion of this examination, he will be informed in writing of the outcome without delay.

186. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reason a person (details supplied) in Dublin 22 is not in receipt of a full State pension; and if he will make a statement on the matter. [3196/11]

Minister for Social Protection (Deputy Éamon Ó Cuív): The qualifying conditions for State pension (contributory) require the applicant to

- have entered insurable employment before attaining the age of 56 years.
- have at least 260 paid contribution weeks, from employment or self-employment, since entry into insurance.
- satisfy the yearly average condition.

The person concerned satisfies the above conditions and has a total of 388 reckonable (paid and credited) social insurance contributions. When this total is divided by 10 (the number of years from date of entry into insurance to the end of the last tax year prior to reaching age 66), this gives a yearly average of 39 contributions, and entitles him to a reduced State pension

(contributory) of €225.80 per week (98% of the maximum rate). In order to qualify for a maximum rate pension, a yearly average of 48 contributions or more would be required.

Civil Service Staff

187. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if civil servants at various levels seeking to relocate to an area closer to their homes can or will be facilitated in instances where a person in their own Department or alternative Department is willing to transfer to their location; and if he will make a statement on the matter. [3198/11]

Minister for Social Protection (Deputy Éamon Ó Cuív): Civil servants in the circumstances outlined by the deputy are facilitated in accordance with agreed arrangements. Under formal protocols agreed between the Civil, Public and Services Union and the Department of Finance, the names of Clerical Officers and Staff Officers who apply for a transfer to an alternative location are entered on the Department's central transfer lists. While there are no formal protocols in place in respect of other grades, my Department maintains informal lists where staff members' interest in relocating is noted.

Staff, irrespective of grade, who wish to be considered for a transfer to a location designated under the Government's Decentralisation Programme are required to register their interest on the Central Applications Facility (CAF) which is administered by the Public Appointments Service. Officers' names are entered on both the central transfer and CAF lists in the order in which they are received and the Department has no discretion to deviate from the order of these lists.

The particular type of transfer to which the Deputy refers is known as a head to head transfer whereby, in effect, officers swap positions. Head to head transfers between officers in different locations can only be facilitated if the transfer clearly does not cut across the order of the transfer system as outlined above. In addition, when considering head to head transfer requests the Department must be mindful of the business needs of the offices in question with particular regard to critical staffing levels.

Social Welfare Benefits

188. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if back to education allowance can be paid retrospectively to a person (details supplied) in County Kildare in view of the fact that they were mistakenly in receipt of jobseeker's allowance on return to education; if alternative arrangements can be made given that they have been forced to drop out of college; and if he will make a statement on the matter. [3201/11]

Minister for Social Protection (Deputy Éamon Ó Cuív): Applications for the back to education allowance must be made prior to the commencement of an approved course. Late applications will be accepted only if received within 30 days of the commencement date of the course. As the person concerned commenced a full-time third level course on 25th September 2009, a retrospective application for the back to education allowance cannot be accepted at this stage. The person concerned has submitted an application for jobseeker's allowance with effect from 18th November 2010. This claim is currently being processed and she will be informed of the outcome as soon as possible.

189. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reason rent support has been refused in the case of a person (details supplied) in County Meath in view of the fact that they have lived here continuously since 2003 and have three dependant children; and if he will make a statement on the matter. [3202/11]

Minister for Social Protection (Deputy Éamon Ó Cuív): Supplementary welfare allowance, which includes rent supplement, is administered on behalf of the Department by the Community Welfare Services division of the Health Service Executive (HSE). The HSE has advised that the person concerned was refused a rent supplement on the grounds that she was not considered to be habitually resident in the State. It is open to the person concerned to appeal this decision to the HSE's designated Appeals Officer.

190. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reason job-seeker's allowance has been refused in the case of a person (details supplied) in County Meath given that they have lived here continually since 2003 and have three dependant children; and if he will make a statement on the matter. [3204/11]

Minister for Social Protection (Deputy Éamon Ó Cuív): One of the qualifying conditions for receipt of jobseeker's allowance is that a person must be habitually resident in the State. A Deciding Officer disallowed the jobseeker's allowance claim of the person concerned with effect from 25 February 2010 on the grounds that she is not habitually resident in the State. She appealed this decision and her appeal was forwarded to the Appeals Office for a decision. When a decision is given she will be advised of the outcome.

Pension Provisions

191. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if revised arrangements for qualification for old age pension on the basis of pre-existing partnership enabled a person (details supplied) in County Kildare to qualify for contributory old age pension; and if he will make a statement on the matter. [3235/11]

Minister for Social Protection (Deputy Éamon Ó Cuív): The entitlement of the person to State pension (contributory) is currently being reviewed. She will be notified of the outcome of this review as soon as possible.

192. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if a person (details supplied) in County Kildare has an entitlement to transition pension; and if he will make a statement on the matter. [3236/11]

Minister for Social Protection (Deputy Éamon Ó Cuív): The qualifying conditions for State pension (transition) require the applicant to

- have entered insurable employment before attaining the age of 55 years.
- have at least 260 paid contribution weeks, from employment or self-employment, since entry into insurance.
- satisfy the yearly average condition.

As the Deputy was advised in writing in June of last year, the person concerned has a yearly average of 18 reckonable paid and credited PRSI contributions. In order to qualify for a State pension (transition) a minimum yearly average of at least 24 is required.

Departmental Agencies

193. **Deputy Richard Bruton** asked the Minister for Tourism, Culture and Sport the number of State agencies identified for abolition or merger in her Department; the number of agencies which have been merged or abolished to date in her Department; the total net savings which have been made in respect of each State agency arising from its merger or abolition in her

Department; the likely date for merger or abolition and the reason for the delay in respect of each State agency which has not already been merged with another State agency or abolished in her Department; and if she will make a statement on the matter. [3011/11]

Minister for Tourism, Culture and Sport (Deputy Mary Hanafin): The decision of the Government to combine the Irish Museum of Modern Art (IMMA), Crawford Art Gallery and National Gallery of Ireland, while retaining their separate brand identities, was announced in Budget 2009 as part of an overall decision to rationalise agencies attached to several Government Departments. My immediate predecessor as Minister indicated subsequently to Dáil Éireann that it was his belief that IMMA and the National Gallery should remain stand-alone entities and that the Crawford Art Gallery could be amalgamated with the National Gallery of Ireland. The amalgamation of the support services of the Crawford Art Gallery and the National Gallery is being examined.

With regard to the merger of the Irish Manuscripts Commission and the National Archives into the National Library of Ireland, also announced in Budget 2009, the legislation that is required is being prepared. In this regard, Heads of a Bill have been drafted and transmitted to the Directors of the National Archives and of the National Library of Ireland and to the Chairman of the Irish Manuscripts Commission for their observations. It is intended that the outline legislation will also be examined by the National Archives Advisory Council when it is reconstituted.

194. **Deputy Richard Bruton** asked the Minister for the Environment, Heritage and Local Government the number of State agencies identified for abolition or merger in his Department; the number of agencies which have been merged or abolished to date in his Department; the total net savings which have been made in respect of each State agency arising from its merger or abolition in his Department; the likely date for merger or abolition and the reason for the delay in respect of each State agency which has not already been merged with another State agency or abolished in his Department; and if he will make a statement on the matter. [3006/11]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): There are some 20 bodies under the aegis of my Department, mainly non-commercial, undertaking quasi-judicial/ regulatory, advisory and developmental functions. These bodies are of varying size, with some having a particular governing structure differing from the conventional Board structure of State agencies, for example the Building Regulations Advisory Board, Designated Appeals Advisory Board and Comhar. As part of the rationalisation programme, I have an active consolidation programme in train that is reducing the total number of State bodies within my Department's remit by six.

In May 2010, I established the Housing and Sustainable Communities Agency (HSCA) on an administrative basis to rationalise the functions of the National Building Agency (NBA), the Affordable Homes Partnership (AHP) and the Centre for Housing Research (CHR). The AHP and the CHR have been closed down and the NBA is in the process of being wound down. The merging of the CHR and the AHP in 2010 and their amalgamation into a single Housing Agency (HSCA) has seen a reduction in state grants from €3.37 million in 2009, to €2.13 million in 2010 and €1.8 million for 2011.

The establishment of HSCA will result in the reduction of staff across the original three agencies. The NBA is engaged in the redeployment of staff, with 4 staff having already moved. Savings from this redeployment amount to approximately €300,000 in 2011. When the redeployment is completed annual savings should amount to approximately €2.2 million.

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The administrative functions of the Rent Tribunal were transferred to the Private Residential Tenancies Board with effect from 1 October 2009. The savings are estimated as being between €70,000 and €100,000 in a full year.

The functions of the Fire Services Council are now subsumed into my Department, with some savings in running costs, since the term of office of its members expired on 30 June 2009. It is not intended to reappoint the Council.

The Limerick Northside and Southside Regeneration Agencies are already serviced by a single executive. In June 2010 the Government approved the formal merging of the Agencies and work is ongoing in preparing the necessary primary legislation. The Agencies have also been proactively reviewing and changing their consultative structures in preparation for the formal amalgamation with many of these new structures already in place. The Government decision to support the phase 1 implementation plans for Limerick Regeneration will result in the overall workload of the agency expanding, so freed up resources will be reassigned within these structures.

Under the National Recovery Plan 2011-14, ambitious targets for the reduction of staff numbers have now been set for the public sector. The associated Employment Control Framework caps total numbers employed in all agencies under the aegis of my Department. My Department will continue to work with all agencies under my remit to ensure that they are operating as efficiently as possible and complying with Government policy on public service finance and numbers.

Fire Stations

195. **Deputy John O'Donoghue** asked the Minister for the Environment, Heritage and Local Government his plans to provide a fire service to replace the voluntary service in Castlegregory, County Kerry; and if he will make a statement on the matter. [3108/11]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Michael Finneran): The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs, the provision of a premises and the making of such other provisions as it considers necessary or desirable, is a statutory function of individual fire authorities under section 10 of the Fire Services Act 1981. Accordingly, the issue raised in the Question is a matter for the relevant fire authority.

Wildlife Protection

196. **Deputy John O'Donoghue** asked the Minister for the Environment, Heritage and Local Government the status of Moore Hall in County Mayo; if this building and site are protected; the length of time that protection status extends; if recent reports have been undertaken to assess the bat population at the site; and if he will make a statement on the matter. [3116/11]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): Moore Hall is a country house of substantial size located south of Ballinrobe and is regarded as an important component of the late eighteenth-century domestic built heritage of County Mayo. Mayo County Council designated the building as a Protected Structure in 2003 under the Planning and Development Act 2000. Moore Hall is also a candidate Special Area of Conservation because it is an important site for the Lesser Horseshoe Bat, a species listed on Annex II of the EU Habitats Directive as requiring the designation of SACs.

All bats and their roosting and resting places are protected under the Wildlife Acts and the EU Habitats Directive. It is an offence to kill or to deliberately disturb bats or to destroy their breeding sites. The National Parks and Wildlife Service of my Department have undertaken a number of bat surveys over the years and identified lesser horseshoe bats in both the cellars of Moore Hall, which are used as a winter roost by the bats, and the adjacent coach house which is used as a nursery roost where the bats rear their young.

As a result of the declining number of bats in the coach house in 2009 due to the deteriorating nature of the coach house roof, the Department carried out refurbishment work to the coach house in 2010. As a consequence of this work the decline in the number of bats in the coach house has since been reversed. My Department has also fitted protective grills to the cellar access points in the main house, with the assistance of the Office of Public Works, in order to protect the bats at this location and to prevent unauthorised access to the winter roost.

197. **Deputy Paul Gogarty** asked the Minister for the Environment, Heritage and Local Government the responsibility if any he has in relation to ensuring that bat surveys are carried out in areas of land owned by a local authority where it is planned to construct storage facilities adjoining mature trees; and if he will make a statement on the matter. [3166/11]

Minister for the Environment, Heritage and Local Government (Deputy John Gormley): All bats and their roosting and resting places are protected under the Wildlife Acts and the EU Habitats Directive. It is an offence to kill or to deliberately disturb bats or to destroy their breeding sites. My Department has published guidelines which provide advice on how developments should comply with the legislation protecting bats. These *Bat Mitigation Guidelines* have been widely circulated, including to local authorities, and can also be accessed on the website of the National Parks & Wildlife Service of my Department. The *Bat Mitigation Guidelines* contain detailed advice on when and how bat surveys should be conducted, including information on tree surveying.

Applications may be made to my Department for a derogation licence to permit actions affecting bats or their roosts that would normally be prohibited by law. The applicant must demonstrate that there is no satisfactory alternative and that the action will not adversely affect the favourable conservation status of the bats. Each case is considered having regard to its particular circumstances and an application may be refused.

Departmental Agencies

198. **Deputy Richard Bruton** asked the Minister for Communications, Energy and Natural Resources the number of State agencies identified for abolition or merger in his Department; the number of agencies which have been merged or abolished to date in his Department; the total net savings which have been made in respect of each State agency arising from its merger or abolition in his Department; the likely date for merger or abolition and the reason for the delay in respect of each State agency which has not already been merged with another State agency or abolished in his Department; and if he will make a statement on the matter. [3001/11]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The information the Deputy requested on the abolition and merger of agencies under the remit of my Department since its establishment in 2007 is outlined on the table below. Proposals numbered 3 to 7 were made in the report of the Special Group on Public Service Numbers and Expenditure Programmes (McCarthy Report). As the Deputy is aware that Report outlined a wide range of proposals across all Departments, a number of which, if agreed by Government

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to proceed, can only be achieved through restructuring over a number of years. The consideration of the proposals contained in the McCarthy Report for my Department and the Agencies under its aegis is ongoing.

Proposals since establishment of Department in June 2007	Current Status/Savings
1. Abolish The National Salmon Commission	Abolished on the enactment of the Inland Fisheries Act 2010. No Exchequer spending was incurred in relation to the National Salmon Commission in either 2009 or 2010.
2. Merge BCI and BCC	BCI and BCC were dissolved under the Broadcasting Act 2009 and subsumed into the Broadcasting Authority of Ireland. The BAI is now a levy based organisation and is not funded by the Exchequer. The last full year of Exchequer funding in 2008 amounted to €6.5m.
3. Merge DHDA with EI/IDA (McCarthy Report)	Review of DHDA currently underway
4. Merge ComReg with BAI (McCarthy Report)	Not implemented
5. Transfer IFCO into BAI (McCarthy Report)	Not implemented
6. Merge OSi and the Valuation Office with the PRA (McCarthy Report)	Not implemented
7. Merge Regional Fisheries Boards (McCarthy Report)	Merger took effect on 1 July 2010 on the establishment of Inland Fisheries Ireland following the enactment of the Inland Fisheries Ireland Act 2010. Direct Exchequer funding for Inland Fisheries Ireland was reduced by €2.582 million in 2010 compared to 2009 and a further €0.761 million is expected in 2011 although not all of this is attributable to savings arising from restructuring of the inland fisheries sector.

Energy Conservation

199. **Deputy Noel Ahern** asked the Minister for Communications, Energy and Natural Resources the grants or other schemes available to private householders for insulation, particularly outside insulation, who are unemployed and aged under 66 years; if he can make a statement on the matter in relation to present and any future planned initiatives. [3054/11]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Sustainable Energy Authority of Ireland (SEAI) administers the Warmer Homes Scheme (WHS) on behalf of my Department. The scheme aims to provide energy efficiency improvements to homes in, or at risk of, energy poverty and is targeted at householders who are in receipt of the Fuel Allowance, Disability Benefit or Invalidity Benefit. Measures undertaken include attic insulation, draught proofing, lagging jackets, energy efficient lighting, cavity wall insulation and energy advice at no cost to eligible households. While a small number of households received external insulation under a pilot programme in 2010, it is not normally available under the Warmer Homes Scheme.

In circumstances where the homeowner is not in receipt of Department of Social Protection benefits, the applicable scheme is the Home Energy Saving (HES) Scheme, administered by SEAI, which is available to owners of homes built before 2006, including landlords and owners of multiple properties. The scheme provides grants of up to 40% of the typical cost of upgrade

measures, including roof insulation, wall insulation, boiler upgrades and heating control upgrades. Dedicated hot lines for both schemes are available (WHS hot line — 1800 250 204 and HES hot line — 1850 927 000), and provide information on eligibility for the schemes.

Both these schemes will transition during 2011 into the new National Retrofit Programme, together with the Greener Homes Scheme (GHS). In advance of the transition to the National Retrofit Programme, the schemes will continue to operate.

200. **Deputy Michael McGrath** asked the Minister for Communications, Energy and Natural Resources the position regarding the national retrofit scheme he plans to introduce in 2011; and if he will make a statement on the matter. [3143/11]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): My Department and the Sustainable Energy Authority of Ireland (SEAI) concluded a consultation process on the National Retrofit Programme towards the end of 2010. My Department is currently engaged in extensive dialogue with key participants in finalising a framework for the operation of the programme over the next three years. The programme will be launched in the near future.

The programme has an allocation in 2011 of €69.4 million and entails the transition of the existing Warmer Homes Scheme, Home Energy Saving Scheme and Greener Homes Scheme into the programme over the course of the year. In addition, the new energy efficiency tax relief scheme announced by the Minister for Finance on Budget Day will fully complement the retrofit programme. The programme envisages the involvement of energy supply and distribution companies, energy services providers, the construction sector, energy auditors, BER Assessors, SEAI and my Department working together to deliver very high levels of energy savings, energy cost reductions and ultimately smaller carbon footprints for energy customers throughout the country.

Alternative Energy Projects

201. **Deputy Michael McGrath** asked the Minister for Communications, Energy and Natural Resources if he will provide details on the way the €13 million for the ocean energy strategy announced in budget 2011 will be spent; and if he will make a statement on the matter. [3144/11]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The 2011 budget allocation for the Ocean Energy Strategy implemented by the Sustainable Energy Authority of Ireland (SEAI) is €13 million. The allocations will support the continued implementation of the Government's ocean energy policy objectives. Ireland's ocean energy resource can make a significant contribution towards economic growth and renewable energy targets.

The 2011 allocations will be utilised:

- To support the development of wave and tidal device prototypes and supporting technologies through the Prototype Development Fund administered by SEAI, ensuring that the growth of the ocean energy industry and associated supply chain is based in Ireland.
- Towards development of the grid-connected full scale wave energy test site off County Mayo. This is designed to attract and retain device and project developers; creation of a unique pre-operational test facility; and the build-up of a cluster of industry and expertise that can contribute to maximising the ocean energy supply chain in Ireland.

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- To operate and further develop the existing quarter scale test site at Galway Bay.
- To enhance third level wave research capabilities through upgrading the HMRC at University College Cork to a National Ocean Test Facility.
- To deliver strategic analysis including:
 - A review of the industrial development potential of offshore wind in Ireland;
 - A review of Irish companies capability to supply products and services to the marine energy sector;
 - A Strategic Environmental Assessment and Natura Impact Statement for Ireland's Draft Offshore Renewable Energy Development Plan;
 - An assessment for Irish shipping and ports requirements for the ocean energy sector;
 - An update of wave resource studies.

Ministerial Appointments

202. **Deputy Michael McGrath** asked the Minister for Communications, Energy and Natural Resources the position regarding the appointment of persons to the Inland Fisheries Board; and if he will make a statement on the matter. [3149/11]

Minister for Communications, Energy and Natural Resources (Deputy Eamon Ryan): The Fisheries Act 2010 (No. 10 of 2010) established Inland Fisheries Ireland (IFI) on 1 July 2010. All 9 members of the Board of IFI were subsequently appointed in accordance with sections 12 and 19 of the 2010 Act.

Departmental Agencies

203. **Deputy Richard Bruton** asked the Minister for Agriculture, Fisheries and Food the number of State agencies identified for abolition or merger in his Department; the number of agencies which have been merged or abolished to date in his Department; the total net savings which have been made in respect of each State agency arising from its merger or abolition in his Department; the likely date for merger or abolition and the reason for the delay in respect of each State agency which has not already been merged with another State agency or abolished in his Department; and if he will make a statement on the matter. [3000/11]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The executive functions of COFORD (the National Council for Forest Research and Development) were subsumed into my Department with effect from 1 August 2009 with COFORD Council continuing to provide an advisory function to the relevant sections of my Department in relation to COFORD work. The full year savings were estimated as €182,000. The Seafood marketing function was transferred from An Bord Iascaigh Mhara (BIM) to An Bord Bia on 1 June 2009. The full year savings were estimated as €150,000. There are now 12 State Bodies/Agencies that fall under the remit of my Department and while there are no current plans to merge or abolish any of these Bodies/Agencies the situation is kept under constant review.

Grant Payments

204. **Deputy Olwyn Enright** asked the Minister for Agriculture, Fisheries and Food when a

person (details supplied) in County Offaly will receive their single farm payment and REP scheme payment; and if he will make a statement on the matter. [3034/11]

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. 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. My officials were unable to process the 2009 REPS 4 application belonging to the person named until the process detailed above was completed. As this process has now been completed payment will issue shortly.

205. **Deputy Tom Sheahan** asked the Minister for Agriculture, Fisheries and Food the reason REP scheme and single farm payment have not issued in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [3079/11]

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 16 April 2010. Advance Single Farm Payment issued to the person named on 18 October 2010 and Balancing Single Farm Payment issued on 01 December 2010. The REPS 4 file is currently under examination and my officials will be in contact with the person named when this examination is complete.

206. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food, further to Parliamentary Question No. 858 of 12 January 2011, if he was advised of the outcome of contact between officials in his Department and a person (details supplied) in County Cork; and if he will make a statement on the matter. [3093/11]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The issues arising in this case have been resolved and payment issued to the person named on 18 January 2011.

Fish Quota

207. **Deputy John O'Donoghue** asked the Minister for Agriculture, Fisheries and Food if his attention has been drawn to the unbalanced mackerel quota provided to the refrigerated sea-water fleet over the polyvalent fleet; if his further attention has been drawn to the geographical implications for this unbalanced quota; in view of the increased mackerel quota, if the ratio could be renegotiated to be more balanced towards the polyvalent fleet; and if he will make a statement on the matter. [3103/11]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The internal sharing arrangements between different parts of the fleet is the subject of dissatisfaction and disagreement within the Irish industry with each group of vessels seeking increased its share. However, it is important to understand that any increase to one part of the fleet must involve a reduction to another part of the fleet.

Prior to the year 2000, polyvalent (multi-purpose) vessels caught only small quantities of mackerel. The mackerel fishery was prosecuted by Refrigerated Sea Water (RSW) vessels in the pelagic segment of the fishing fleet which were subject to vessel catch limits since the mid 1980's. There are 23 vessels in this segment of the fleet and they are large purpose built vessels for the pelagic fisheries (mainly mackerel, herring and horse mackerel). At this time the typical

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total national catch of polyvalent vessels was of the order of 1,000-1,200 tonnes and a 1,500 tonne allocation was set aside for them out of the total national quota which ranged from a high of 99,000 tonnes (in 1994) down to a low of 52,000 tonnes between 1985 and 2000.

This situation changed materially from 2000 onwards as a number of polyvalent tank boats were introduced into the fleet. These vessels had much higher catching and storage capacity and the national polyvalent catch trebled to over 3,500 tonnes in the year 2000. Following extensive consultation and discussion with the various industry players throughout 2001, revised arrangements were eventually put in place in October of that year. In summary, that capped the total mackerel catch of polyvalent vessels at 7,000 tonnes, of which 1,500 tonnes was set aside to cover catches by vessels less than 65 feet in length. The balance of the available mackerel quota was divided between the 23 RSW vessels of the pelagic sector according to set formulae.

In 2001, when the allocation of 7,000 tonnes for the polyvalent fleet was agreed, the Irish mackerel quota was 72,000 tonnes. Since then, it has decreased and fluctuated at a lower level. In 2008 the total quota was only 49,643 tonnes. However, despite these quota reductions, the 7,000 tonnes reserved for the polyvalent sector remained unchanged until 2009 when an Irish quota of 66,070 tonnes was agreed and requests for a higher share of that quota was received from the polyvalent vessel owners.

Following a review, new arrangements were introduced in 2009 for the sharing of the national quota between the polyvalent and pelagic segments of the fleet. These involve an allocation of 87% for the RSW Pelagic segment and 13% for the polyvalent segment. As the quota for mackerel in 2011 will involve an increase over the 2010 quota, the polyvalent segment will receive a pro-rata increase in its allocation.

Any change in the current arrangements would be justified only if circumstances have changed since the 2009 review. At that time, Minister Killeen fully consulted with industry representatives and interested parties on the issue and as a result was fully aware of the divergent views that prevailed within the industry at that time in relation to the management of this fishery. The specific management arrangements for the allocation of the mackerel quota introduced in 2009 were developed by the Minister for the proper and effective management of the mackerel fishing opportunities while at the same time fully cognisant of the divergent views that existed on the issue within various segments of the fishing industry. At this time, I do not consider that there are substantially changed circumstances which would warrant a review of the existing arrangements.

I would like to comment at this point about the level of landings into Ireland. Of course, under the EU open market policy there can be no question of requiring or pressuring vessels to land into Ireland. The situation for 2009 was that almost all of the polyvalent vessels landed into Ireland while 60% of the landings by the RSW Pelagic segment vessels were into Ireland. The situation for 2010 has seen some change with 75% of the polyvalent landings and 64% of the RSW pelagic segment landings being into Ireland. It is clear that both polyvalent and RSW pelagic Segment vessels are capable of and do land a proportion of their quota abroad. From an employment and economic activity perspective I would like to see the vast majority of all landings into Ireland and I would encourage the vessel owners and the processors to work together to maximise landings into Irish factories.En

Grant Payments

208. **Deputy Jack Wall** asked the Minister for Agriculture, Fisheries and Food the position

regarding the single farm payment in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [3142/11]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): An application under the 2010 Single Payment Scheme was received from the person named on 6 May 2010. Payments under the 2010 Single Payment Scheme commenced nationally on 18 October 2010. The person named submitted an application with 6 land parcels, 3 of which required re-digitisation. The advance and interim balancing payments under the 2010 Single Payment Scheme issued to the applicant on 18 October 2010 and 1 December 2010 respectively based on eligible that was digitised at that stage. My Department has now completed this re-digitisation process and the final balancing payment under the Single Payment Scheme will issue to the applicant shortly.

209. **Deputy Michael McGrath** asked the Minister for Agriculture, Fisheries and Food the position regarding a payment under the farm waste management scheme in respect of a person (details supplied) in County Cork. [3147/11]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The person concerned is an applicant under the Farm Waste Management Scheme. The final instalment of grant-aid was issued by my Department to the applicant on 11 January 2011. I have also announced that a special ex-gratia payment not exceeding 3.5 per cent of the value of the deferred amount will be made to farmers whose Farm Waste Management grants were partially deferred. This payment will be made in the early part of this year.

Aquaculture Development

210. **Deputy Fergus O'Dowd** asked the Minister for Agriculture, Fisheries and Food if he plans to wind up the cross-Border aquaculture initiative, EEIG, and to make the staff members involuntarily redundant; if his attention has been drawn to the fact that the Northern Ireland Executive has funds in place until 2012 to fund the Northern Ireland element, which will be lost if the organisation is wound up; if he has taken into account the fact that this valuable service to industry will be lost if this action is taken and how he plans to replace these services which are vital for job retention, job creation and seafood exports; if his further attention has been drawn to the fact that the aquaculture initiative provides vital services to the mussel industry worth €35 million per annum and employing 675 persons; how he will replace these valuable services to the sector without contravening Transfer of Undertakings (Protection of Employment) Regulations 2003 (details supplied); and if he will make a statement on the matter. [3156/11]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): The Aquaculture Initiative (CBAIT) was established in 1998 as a European Economic Interest Group (EEIG) under the European Communities (European Economic Interest Groupings) Regulations 1989 — S.I. 191 of 1989 with Bord Iascaigh Mhara (BIM) listed as the member for Ireland. CBAIT was established for the purpose of assisting in the development of the aquaculture sector in the six counties of Northern Ireland and in the six border counties of Ireland.

Since its inception, CBAIT's operating costs were funded primarily under the PEACE Programme and its successors. That source of funding has now expired. BIM has also provided some funding to CBAIT since 2009 under both national and EU co-funded grants. The Northern Ireland Department of Agriculture and Rural Development (DARD) has committed

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to providing some limited funding to CBAIT until 2012 under an EU co-funded grant to cover the staff and associated costs of the Northern Ireland office of CBAIT.

In July 2010, BIM was authorised by my Department to provide funding to CBAIT on a strictly temporary basis and until the end of 2010 only, in order to allow CBAIT continue in operation while BIM examined the options for its future. Unfortunately, no workable solution has been found having regard to the constraints of employment control framework numbers and financial resources available. In the light of this my Department has in the circumstances advised BIM that no further funds from my Department's Vote or from BIM are to be expended on CBAIT and to immediately make arrangements for the orderly winding up of CBAIT.

Grant Payments

211. **Deputy Seymour Crawford** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Monaghan will receive their REPS 4 payment; and if he will make a statement on the matter. [3192/11]

Minister for Agriculture, Fisheries and Food (Deputy Brendan Smith): Payment will issue to the person named within 10 days.

Enterprise Support Services

212. **Deputy Jan O'Sullivan** asked the Minister for Enterprise, Trade and Innovation if there have been discussions to address the difficulty encountered by those who wish to access the EU Globalisation Fund to set up small businesses but who cannot get matching funds to take up grants offered by city or county enterprise boards; if she will arrange for access to loans for this purpose to be made available or if the requirement for matching funds can be dispensed with; and if she will make a statement on the matter. [3159/11]

Minister for Enterprise, Trade and Innovation (Deputy Mary Hanafin): The range of financial assistance available from the CEBs to eligible micro-enterprises includes Priming Grants, Business Expansion and Development Grants and Feasibility Grants. Priming Grants and Business Expansion and Development Grants are the primary grants utilised by the majority of eligible micro-enterprises as these grants cover a broad range of legitimate business costs associated with starting a business and with developing and growing that business. Both of these grants allow for the payment of up to 50% of the investment or €150,000 whichever is the lesser. The purpose behind the application of a grant aid limit is to ensure that the promoter of the business assumes a reasonable part of the risk in establishing and running the business. These levels have been approved by the European Union.

It is considered inappropriate that funding levels for CEB supports should be increased above the current levels that apply under normal CEB eligibility criteria in respect of clients of an Enterprise Board who are accessing funds available under a European Globalisation Fund facility. I would point out that there has already been a significant loosening of normal CEB eligibility criteria in respect of the current EGF facilities in operation i.e. Dell, Waterford Crystal and SR Technics, such that grant assistance for locally traded services is permitted. There is a concern that this could have deadweight and displacement implications for some existing businesses in the locations concerned and it is important that a balance is maintained. I am satisfied that the current eligibility criteria are appropriate.

Departmental Agencies

213. **Deputy Richard Bruton** asked the Minister for Enterprise, Trade and Innovation the number of State agencies identified for abolition or merger in her Department; the number of agencies which have been merged or abolished to date in her Department; the total net savings which have been made in respect of each State agency arising from its merger or abolition in her Department; the likely date for merger or abolition and the reason for the delay in respect of each State agency which has not already been merged with another State agency or abolished in her Department; and if she will make a statement on the matter. [3005/11]

Minister for Enterprise, Trade and Innovation (Deputy Mary Hanafin): My Department currently has 13 State Agencies supporting us in our work. These are:

1. Enterprise Ireland
2. IDA Ireland
3. Science Foundation Ireland
4. Shannon Development
5. County and City Enterprise Boards (35)
6. National Standards Authority of Ireland
7. InterTradeIreland (the North / South Business Development Body)
8. Forfás
9. National Consumer Agency
10. The Competition Authority
11. Irish Auditing and Accounting Standards Authority
12. Personal Injuries Assessment Board, and
13. The Health and Safety Authority.

Among these Agencies, my Department is working to effect the merger of the National Consumer Agency (NCA) and the Competition Authority. In this regard, as both the NCA and the Competition Authority were established under statute, it is necessary to give effect to the newly merged body by way of primary legislation.

At the time the merger of the two bodies was announced, work on a review of the operation and implementation of the 2002 Competition Act was well underway. The various submissions received following a public consultation process were being considered, as was the report and recommendations of the Advisory Group on Media Mergers. Therefore, rather than give effect to the amalgamation of the NCA and Competition Authority in a stand-alone piece of legislation, to be followed in due course by legislation to amend, reform and update the 2002 Act, it was decided to introduce a single comprehensive Bill that will:

- Create the new consumer and competition body,
- Update existing competition law,

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- Strengthen the public interest test in respect of media mergers, in line with the report of the Advisory Group on Media Mergers,
- Make some minor amendments to the consumer protection legislation, and
- Give effect to the Government commitment under “*Towards 2016*” regarding the exemption of certain specified categories of vulnerable workers from competition law.

While work on the draft legislation on this basis has been progressing, developments in other areas have arisen which have led to additional requirements in the Bill. The Renewed Programme for Government contains a specific commitment to “implement a Code of Practice for doing business in the Grocery Goods sector to develop a fair trading relationship between retailers and their suppliers” and “to review progress of the Code and if necessary to put in place a mandatory code”. An enabling provision for this code will be provided for in the legislation.

This all-encompassing approach to the draft legislation has to some extent delayed the legislation for the rationalisation of the two bodies. I am, however, of the view that we will be better served, in the long run, by a single legislative measure that both establishes the new body and provides for a combined and updated consumer and competition code with appropriate enforcement provisions being given to the new body. Work on the draft heads of this Bill is now completed and I intend to bring these draft heads to Cabinet shortly.

As this particular merger has not yet been implemented, no significant savings can be reported and the earliest date for the merger taking effect is late 2011. I should also indicate that I have finalised my proposals for the reorganization of the 35 County & City Enterprise Boards in an effort to streamline delivery of our supports for the micro-enterprise sector and I hope to bring formal proposals in this area to Government shortly.

Enterprise Support Services

214. **Deputy John O’Donoghue** asked the Minister for Enterprise, Trade and Innovation the position regarding the Global Pharmaceutical Centre of Excellence planned for Tralee, County Kerry; the negotiations that have taken place with those behind the project; the expected timeline for the development of the project; and if she will make a statement on the matter.

[3105/11]

Minister for Enterprise, Trade and Innovation (Deputy Mary Hanafin): Representatives of the Pharmaceutical Centre of Excellence (GPCE) met with the Taoiseach on 22 December last. At this meeting the Taoiseach reiterated his interest in the concept and welcomed the submission of a Business Plan as a significant step forward. An expert analysis of this plan is now being undertaken by an enterprise agencies team led by IDA and involving representatives from Enterprise Ireland, Science Foundation Ireland and Shannon Development. The Taoiseach has requested that the Agency team provide analysis and advice to me by the end of the first quarter this year.

Redundancy Payments

215. **Deputy Bernard J. Durkan** asked the Minister for Enterprise, Trade and Innovation whether redundancy is payable for a person employed for six years with the exception of a two month period; and if she will make a statement on the matter. [3237/11]

Minister of State at the Department of Enterprise, Trade and Innovation (Deputy Dara Calleary): I wish to advise the Deputy that in accordance with the Government Order entitled “Redundancy and Insolvency Payments (Transfer of Departmental Administration and Ministerial functions Order 2010” responsibility for the Redundancy and Insolvency Payments Schemes transferred to my colleague, the Minister for Social Protection with effect from 1 January 2011. Accordingly, issues arising under the Redundancy Payments Acts, 1967 — 2007 now fall to be considered by that Department.

Departmental Agencies

216. **Deputy Richard Bruton** asked the Minister for Community, Equality and Gaeltacht Affairs the number of State agencies identified for abolition or merger in his Department; the number of agencies which have been merged or abolished to date in his Department; the total net savings which have been made in respect of each State agency arising from its merger or abolition in his Department; the likely date for merger or abolition and the reason for the delay in respect of each State agency which has not already been merged with another State agency or abolished in his Department; and if he will make a statement on the matter. [3002/11]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey): As the Deputy is aware, the Report of the Special Group on Public Service Numbers and Expenditure Programmes presented a set of options to reduce expenditure and staff numbers across the public sector. These options included recommendations relating to the abolition or merger of certain State Agencies.

In terms of specific recommendations by the Special Group, one key recommendation was predicated on the Department of Community, Rural and Gaeltacht Affairs being dissolved and its functions transferred to other Departments. Other recommendations related to the abolition or transfer between Departments of specified functions. In this regard, the Deputy will be aware that, as part of the restructuring of Departments and agencies announced in March last by the Taoiseach to ensure greater coherence and produce more efficient delivery, my Department has taken over responsibility for (i) social inclusion policy and family policy from the Department of Social Protection and (ii) equality, disability, integration and human rights from the Department of Justice and Law Reform.

In relation to other recommendations by the Special Group, it may be noted that:

- A proposed Dormant Accounts (Amendment) Bill, which is anticipated to be published shortly, will provide, inter alia, for the dissolution of the Dormant Accounts Board.
- Options regarding the future of the Western Development Commission remain under consideration in the context of the ongoing general review of enterprise structures.
- Options in relation to the future functions of the Family Support Agency are also under review.
- Proposals relating to the reallocation of some functions of the Equality Tribunal will fall to be considered in the context of the review of the equality and human rights bodies currently under way.
- The future role and functions of Údarás na Gaeltachta are under consideration in the context of the recently published 20 Year Strategy for the Irish Language. Substantive

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discussions will be taking place shortly with Údarás na Gaeltachta regarding these matters and I hope to be able to bring initial proposals for amending legislation to Government in the coming weeks.

In relation to bodies/agencies within my Department's remit that have already been abolished or merged, the Deputy may wish to note that in recent years:

- Arramara Teoranta, a commercial State body founded to utilise the large resource of seaweed along the west coast of Ireland, became a wholly-owned subsidiary of Údarás na Gaeltachta;
- Bord na Leabhar Gaeilge, the former State Board established to promote writing and publishing in the Irish language, was abolished and its functions and funding transferred to Foras na Gaeilge; and
- the National Drugs Strategy Team was abolished in the context of the National Drugs Strategy 2009–2016 and its work subsumed into my Department.

Community Development

217. **Deputy Pat Breen** asked the Minister for Community, Equality and Gaeltacht Affairs if he will clarify the situation regarding funding for a group (details supplied); and if he will make a statement on the matter. [3062/11]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Pat Carey): The group referred to by the Deputy was funded previously under the Community Development Programme (CDP), which came to an end on 31 December 2009 and was superseded by a new integrated programme, the Local and Community Development Programme (LCDP). The group in question was funded during 2010 under the new Programme.

The Deputy will be aware that my Department has set out a national model for integrating groups such as the one to which he refers into the Local Development Companies (LDCs), which are tasked with delivering the LCDP. By integrating with an LDC, this group will continue to be funded under the LCDP and thereby assisted in meeting the challenges that the current economic downturn has brought to a range of disadvantaged groups in the local community.

It is important to note that integration does not mean cessation of CDP-type activities in any given area. Any worthwhile community development activity or service delivered formerly under a CDP can continue to be delivered under the new integrated LCDP structure. I remain committed to the LCDP and would urge all relevant groups, formerly funded under the CDP, which have not yet completed the integration process, to work with my Department and Pobal to bring any outstanding issues to an early conclusion.

Departmental Agencies

218. **Deputy Richard Bruton** asked the Minister for Defence the number of State agencies identified for abolition or merger in his Department; the number of agencies which have been merged or abolished to date in his Department; the total net savings which have been made in respect of each State agency arising from its merger or abolition in his Department; the likely date for merger or abolition and the reason for the delay in respect of each State agency which

has not already been merged with another State agency or abolished in his Department; and if he will make a statement on the matter. [3003/11]

Minister for Defence (Deputy Éamon Ó Cuív): The bodies under the aegis of my Department are the Civil Defence Board, the Army Pensions Board and the Board of Coiste an Asgard. In the context of settling the Estimates for the Department of Defence for 2010, the Government decided that the national sail training scheme operated by Coiste an Asgard would be discontinued as recommended in the Report of the Special Group on Public Service Numbers and Expenditure. As a result, no funding was provided in 2010 or 2011. The company has been inactive since that decision. There have been no abolitions or mergers of any agency in my Department in the past four years.

Defence Forces Reserve

219. **Deputy Ciarán Lynch** asked the Minister for Defence the number of serving members of the Defence Forces Reserve in each county; and if he will make a statement on the matter. [3162/11]

Minister for Defence (Deputy Éamon Ó Cuív): Details of the number of serving members of the Reserve Defence Force in each County are being compiled and will be forwarded to the Deputy as soon as it becomes available.

Defence Forces Appointments

220. **Deputy David Stanton** asked the Minister for Defence the position regarding the appointment of a judge advocate general of the Defence Forces; the qualifications for this position; and if he will make a statement on the matter. [3173/11]

Minister for Defence (Deputy Éamon Ó Cuív): Section 15 of the Defence Act 1954 provides for the appointment of a Judge Advocate General of the Defence Forces. It stipulates that the Judge Advocate General shall be a practising barrister-at-law of at least ten year's standing, but cannot be a member of the Defence Forces and shall be appointed by, and hold office during the pleasure of, the President. The current Judge Advocate General, Ms. Oonah McCrann, was appointed with effect from 24 September 2001.

Departmental Staff

221. **Deputy Joe Costello** asked the Minister for Defence the reason two cleaners (details supplied) were replaced by contract cleaners in Defence Force headquarters, Infirmary Road, Dublin 7; and if he will make a statement on the matter. [3185/11]

Minister for Defence (Deputy Éamon Ó Cuív): All Dublin based civil servants (c. 170) of the Department of Defence, together with some 55 military personnel, moved to Newbridge, Co Kildare under the decentralisation programme in early November 2010. As the entire Department was moving, civil service staff who opted not to decentralise to Newbridge, were transferred to other Dublin based Departments/Offices. It was clearly understood by all staff of the Department, including the cleaners, that under the decentralisation programme, staff who were not decentralising to Newbridge would be reassigned to other posts in Dublin. The cleaners have been assigned to other Departments/Offices in Dublin in line with decentralisation protocol.

[Deputy Éamon Ó Cuív.]

The former premises of the Defence Forces Headquarters in Infirmary Road, Dublin 7, has effectively been vacated other than for a small number of about 50 military personnel who are to transfer to alternative accommodation during 2011. As with all buildings solely occupied by the Military, the maintenance and cleaning of military premises is looked after by the Military who employ their own cleaning staff.