



DÍOSPÓIREACHTAÍ PARLAIMINTE
PARLIAMENTARY DEBATES

DÁIL ÉIREANN

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

Tuesday, 22 March 2011.

Ceisteanna—Questions	
Taoiseach	139
Tánaiste and Minister for Foreign Affairs	
Priority Questions	151
Other Questions	158
Adjournment Debate Matters	165
Leaders' Questions	166
Requests to move Adjournment of Dáil under Standing Order 32	172
Order of Business	172
Private Notice Question	
Moriarty Tribunal Report... ..	179
European Council Meeting: Statements	186
Private Members' Business	
Corporation Tax: Motion	203
Adjournment Debate	
Schools Amalgamation	222
Social Welfare Benefits	224
Departmental Offices	226
Hospital Building Programme	229
Questions: Written Answers	231

DÁIL ÉIREANN

Dé Máirt, 22 Márta 2011.
Tuesday, 22 March 2011.

Chuaigh an Ceann Comhairle i gceannas ar 2.30 p.m.

Paidir.

Prayer.

Ceisteanna — Questions

Programmes for Government

1. **Deputy Gerry Adams** asked the Taoiseach if he will set out the elements of the Programme for Government for which he and his Department are directly responsible; and if he will make a statement on the matter. [5308/11]

2. **Deputy Micheál Martin** asked the Taoiseach the procedures he intends to put in place to review implementation of the Programme for Government and if he will publish a detailed implementation timetable [5341/11]

The Taoiseach (Deputy Enda Kenny): I propose to take Questions Nos. 1 and 2 together.

Before taking the questions, having conducted ordinary Taoiseach's questions, as they are called, from the far side for so long, I made the point on many occasions that perhaps we should drop one of these on a Tuesday or Wednesday and insert topical issues or whatever else as part of Dáil reform. When Deputies begin to look at this, perhaps we could consider these things. As Deputy Martin knows, these questions come around on a very regular basis.

The programme for Government sets out the measures this Government intends to take to tackle the many and varied challenges facing the country. The programme's objectives are underpinned by the mandate of the people. It will be the responsibility of each Minister to progress those actions and initiatives that fall within his or her Department's area in order to achieve the implementation of the programme.

It is my responsibility as Taoiseach, working closely with the Tánaiste, to lead the process of reform which is at the heart of the programme. I will be reviewing progress on a regular basis with each Minister. Through the Government economic management council, I will be working with the Tánaiste and the Ministers for Finance and Public Expenditure and Reform to ensure that our economic policy agenda, in particular, is implemented with pace and consistency.

The primary role of the Department of the Taoiseach is to support me in my role as Head of Government and to support the Government through the Cabinet process. Accordingly, the Department will be supporting the implementation of the programme as a whole and it will do

[Deputy Enda Kenny.]

this with a more explicit focus on its role as a Cabinet office. The procedures to reflect the new focus are being developed and will be announced shortly. However, it is not my intention that the Department will exercise executive functions with regard to the programme for Government generally. My Department will have specific responsibility in supporting the Chief Whip in advancing the programme's proposals for Dáil reform and setting in train the necessary legislation for a referendum to abolish the Seanad.

Deputy Gerry Adams: Tá mé an-sásta an Taoiseach a fheiceáil anseo arís. Bhí cuairt maith againn go dtí na Stáit Aontaithe.

The Taoiseach (Deputy Enda Kenny): Labhair an Teachta go maith.

Deputy Gerry Adams: Tá a lán fadhbanna anseo; mar shampla, tuairisc Moriarty. Níl mé sasta leis an freagra a thug an Taoiseach maidir le chlár an Rialtais. He never mentioned jobs once, yet during the election campaign, he secured a mandate with the slogan, "Let's Get Ireland Working". He has committed to establishing a fund to resource jobs. When will that happen? Will legislation be required? How much will be invested in it? Where will the Government get the money?

The Taoiseach (Deputy Enda Kenny): Tá mé sásta gur tháinig an Teachta ar ais go sábháilte. Bhí áthas orm buaileadh leis thall i Meiriceá.

The Deputy asked me to set out the elements of the programme for Government for which my Department and I are directly responsible and I did so. The programme is essentially about reform, change, getting Ireland back to work and providing opportunities for our people. That is why the initiatives to be taken by the Ministers for Finance, Public Expenditure and Reform, Enterprise and Innovation and others will be focused directly on areas of improvement in the unemployment situation.

The question the Deputy tabled asked about the elements for which I have responsibility. As Head of Government, it is my intention to interact on a regular basis with Ministers to see that the programme for Government, for which we were given a strong mandate by the people, is implemented. As the Deputy will be aware, we intend to set out an early report card on achievements in this regard, including a jobs budget in our first 100 days in office to stimulate initiatives and investment within the economy.

Deputy Gerry Adams: I do not want to mention the five point plan but the Taoiseach referred to what he has described as a "jobs fund" in his reply. Some of the funding for this is to be drawn down from the National Pensions Reserve Fund but some is also be drawn down by selling off State assets. The Taoiseach will be aware that opposition is growing on this issue with people particularly concerned about Coillte and Bord na Móna. As a man from the county of Davitt, he will know if the Government goes ahead with this, it will be the biggest sale of Irish land since the Land War and this time will be returned to the privateers and the absentee landlords. Will the Government proceed with this sale of State assets, land and resources?

The Taoiseach (Deputy Enda Kenny): The Deputy will be aware that when we referred to the sale of assets, we referred to the sale of non-strategic State assets and then only at an appropriate time where there would be a reasonable gain for the State. It is not proposed to sell Coillte and while the report to which the Deputy referred makes that recommendation, it is not part of the programme for Government.

Deputy Gerry Adams: I very much welcome that.

Deputy Micheál Martin: In my question I asked for a detailed timetable for the implementation of the Government programme. What goes to the core of the programme is a commitment to transparency, openness and so forth. When did the Taoiseach and the Government become aware that the Moriarty tribunal report was to be published this morning? It is a matter of grave importance. The findings have grave implications for the State and the taxpayer and represent a damning indictment on the collective decision taken by the then Government in the awarding of the mobile telephone licence and in the process that led to its award. In the spirit of the programme for Government, will the Taoiseach and the Ministers who were members of that Government be prepared to come before the House to answer specific questions regarding their role in that collective decision to award the licence to the particular telephone company and to account for the process that led to that?

The Taoiseach (Deputy Enda Kenny): I thank the Deputy for his comments on openness. I assure him that I was informed of the pending publication of the Moriarty tribunal report as I walked to the Cabinet meeting this morning. The Secretary to the Government was informed by the tribunal that it was in the process of publishing it on-line with the relevant information. This report has been 14 years in the making. It has cost a considerable amount of money. I welcome the fact that, at long last, it is published. It is a report, however, that deserves the most serious analysis. It deserves to be read seriously, which I intend to do. There are lessons to be drawn from it and they will be drawn from it. I have not seen the report yet and have not had time to even glance through any of its 2,500 pages. I have heard some comment in the media but this is a report that deserves serious analysis, and it will get that from this Government.

Deputy Micheál Martin: It is a very serious report and the findings are grave. I want to ask, in the context of the programme for Government—

An Ceann Comhairle: Sorry, Deputy, it has nothing to do with the programme for Government.

Deputy Micheál Martin: It has, a Cheann Comhairle.

An Ceann Comhairle: No. We are dealing with that matter later.

Deputy Micheál Martin: I am not dealing with the report itself. I am dealing with—

An Ceann Comhairle: It is nothing to do with the programme for Government.

Deputy Micheál Martin: A Cheann Comhairle, the programme for Government is on the agenda here in terms of the question.

An Ceann Comhairle: That is to be dealt with by way of special notice question after the—

Deputy Micheál Martin: If the Ceann Comhairle would allow me to make my point. In the spirit of the programme for Government, which is very strong on transparency, honesty and accountability for actions taken, the Taoiseach did not answer my basic question: Is he prepared, along with the other Ministers who were a party to that collective decision taken in 1995, to come before the House to answer any questions Members may have on the role they played in that? Yes or no.

The Taoiseach (Deputy Enda Kenny): Yes.

Deputy Joe Higgins: The Taoiseach mentioned a number of mechanisms for a review of the programme for Government. It would have been helpful if his answer was circulated at the time so that we could get the detail of that and ask him more precise questions. Regarding the implementation of the programme for Government, what benchmarks has the Taoiseach set with regard to critical areas of that programme? Regarding the massive crisis of 440,000 of our people wasting in unemployment, has the Taoiseach a benchmark as to how much reduced that unemployment rate should be within six or 12 months of his Government taking office? It is critical that we have such answers because his programme on job creation is extremely vague.

With regard to other issues, what confidence can we have in the Government living up to its claims in the programme for Government to having a modern, fair, socially inclusive and equal society by the end of the Taoiseach's term if his Minister for Finance, within a week of the formation of Government, has jettisoned a critical aspect of the programme called burden sharing requiring the losing gambling bond holders not to get their money back from the Irish people? Since that has already been jettisoned, what confidence can we have in other aspects of the Taoiseach's programme?

Finally, the critical issue of the debt foisted on the Irish people as a result of the reckless speculation by bankers raises the question, according to the Taoiseach's Minister for Finance, of the sustainability of this country meeting the debt requirements. What benchmark does the Taoiseach have on that as a Government? For example, what payment of interest would he consider beyond which the State cannot go? What is the total amount etc.? The Taoiseach must be very precise on these issues.

The Taoiseach (Deputy Enda Kenny): It is very difficult to be precise about the numbers who will be working in six months, 18 months or two years time. The Deputy cannot be precise, nor can I, but I can say that the entire focus of this Government is to rectify the position in so far as public finances are concerned, restore those finances to a state of good health and, where we can, provide a stimulus and initiatives to ensure that people, young people in particular, can have career opportunities to pursue in this country if that is their wish.

The Deputy asked me about benchmarks. As I have made known, I have asked each Minister, in respect of his or her responsibilities under the programme for Government, to produce an itemised list of projects and proposals which he or she expects to have implemented within the first 100 days. We have also made it clear that we intend to introduce a jobs budget and set out the conditions for it, whereby confidence can be restored and initiatives taken to create employment and training opportunities.

In respect of social inclusiveness, one of the great tragedies of the last decade was the chasm that opened between government and the people. The arm of democracy never reached thousands of people throughout the country. They felt isolated, alone and bereft and that they had been left behind with respect to the actions of the Government. That bridge must be rebuilt and the reconnection made again in a strong way. A good Government which listens to people and works with them in a spirit of co-operation can rebuild it and our reputation at home and abroad can be restored.

The Deputy is wrong to say the Minister for Finance jettisoned burden sharing, a matter that will be discussed later today in the Dáil when the Deputy will have an opportunity to make his points. There are serious issues to be discussed at the Council meeting on Thursday and Friday, including the unfolding situation in Libya and the provision of further support from the Euro-

pean Union for the stricken people of Japan following the tsunami, earthquake and the problems with the nuclear reactor. The economic situation will be the focus of the Heads of Government on Thursday and Friday. I cannot say what the outcome will be because I would like to be clear on the extent of exposure in the banks to indebtedness and, as the Deputy is aware, the stress tests are being completed.

EU Summits

3. **Deputy Gerry Adams** asked the Taoiseach if he will report on his participation in the EU summit on 11 March 2011; and if he will make a statement on the matter. [5309/11]

4. **Deputy Gerry Adams** asked the Taoiseach his priorities for the next European Council meeting [5310/11]

5. **Deputy Micheál Martin** asked the Taoiseach his views on proposals for a greater role for Eurozone summits; and if he will make a statement on the matter. [5335/11]

The Taoiseach (Deputy Enda Kenny): I propose to take Questions Nos. 3 to 5, inclusive, together.

I attended an extraordinary meeting of the European Council and an informal meeting of the Heads of State and Government of the euro area in Brussels on 11 March. There will be a further meeting of the European Council on 24 and 25 March. As I will be making a statement to the House later, I will confine myself to some brief remarks about these meetings.

The extraordinary meeting of the European Council was convened by President Van Rompuy to discuss developments in Libya and the southern Mediterranean region and set the political direction and priorities for future EU policy and action. We agreed on the importance for Europe of developing a new enhanced long-term partnership with the countries of the southern Mediterranean area as they move toward democracy.

The informal meeting of Heads of State and Government of the euro area was convened to discuss how to develop stronger economic policy co-ordination in the euro area. This was an important stepping stone towards the meeting of the European Council that will take place later this week.

Leaders agreed on a “pact for the euro” aimed at fostering competitiveness and employment and contributing to sustainability of public finances and restoring financial stability. There was also important agreement on three features of the temporary European Financial Stability Facility, EFSF, and the permanent European Stability Mechanism, ESM. Effective lending capacity was increased to €440 billion for the EFSF and €500 billion for the ESM. Both will have the capacity to intervene in the primary debt market. Interest rates will be lowered to take greater account of debt sustainability, while still complying with IMF pricing principles. Finance Ministers were asked to complete work on the design of the new ESM, which will enter into force in 2013, in time for this week’s European Council.

It was agreed that there should be a reduction of 1% in the rate that applied to loans to Greece which do not take place under the EFSF, as Greece is not in that package. The maturity of Greek loans was also extended to 7.5 years. In return, Greece committed to speedily completing its €50 billion privatisation and real estate development programme.

I briefed colleagues on the severe economic challenges that Ireland faced and the pain this had meant for the Irish people. I restated our commitment to the EU-IMF programme and reaching the 3% deficit target by end-2015 and recalled the extensive adjustment measures

[Deputy Enda Kenny.]

already undertaken. I stressed the importance of getting Ireland back onto a path of sustainability. I briefed European colleagues on the situation in our banks and the challenge this represented for us. I noted the stress tests that were under way. These are being carried out independently and due to be finished by the end of the month.

While Ireland would welcome a lowering of the interest rate it has to pay, it was not possible to reach agreement on this issue at the meeting on 11 March. Discussions on the issue are continuing. These will be difficult, but I am convinced that we can find a way forward. I can reassure the House that, while I will be as constructive as possible in seeking to reach agreement, Ireland's 12.5% corporation tax rate is not up for negotiation. It is central to our ability to attract inward investment and secure our economic recovery. I know that I have the overwhelming support of the House on this issue.

The issues before the European Council this week are important. It is expected that the Council will adopt a wide range of measures forming a full and comprehensive package designed to lay the ground for sustainable and job creating growth. I expect that the Council will also take stock of international developments, including in Libya and Japan.

With regard to a greater role for eurozone summits, it is the Government's position that no new formal structures are needed. However, it should continue to be possible for Heads of State and Government of the eurozone to meet as required.

Deputy Gerry Adams: I wish the Taoiseach well at the next European Council meeting, but I note with disappointment that at the last session he restated his commitment to the EU-IMF deal and to the austerity package. In an earlier answer the Taoiseach spoke of the gap between the Government and the people. That gap is being deepened by the universal social charge. It is the price citizens are paying for this deal.

The Minister for Finance has said that the lumping of banking debt and sovereign debt is not sustainable. The head of the European Central Bank has made clear his insistence that it is sustainable, saying that Ireland can do it and will do it. This is clearly Frankfurt's way. Will the Taoiseach make clear to the Irish people and to our partners at the European summit, contrary to what he said a moment ago, that we will not proceed with this deal because, as the Minister said, it is not sustainable? We cannot afford it and it will sink us if we keep going as the Government is going, following in the footsteps of Fianna Fáil.

The Taoiseach (Deputy Enda Kenny): I am sure the Deputy was not disappointed at my stance in respect of how important the corporation tax rate of 12.5% is to this country.

Deputy Gerry Adams: That is a given.

The Taoiseach (Deputy Enda Kenny): What the Minister for Finance indicated was that in certain circumstances the debt might become unsustainable. We made it perfectly clear——

Deputy Gerry Adams: That is not what he said.

The Taoiseach (Deputy Enda Kenny): If the Deputy checks the Minister's words he will see that is what he said. We made it perfectly clear when this deal went through that we considered it a bad deal for Ireland and a bad deal for Europe and that it required adjustment so that Ireland could live up to its responsibilities in being central to the European process and in paying our way. The deal was structured at the time on the basis of Ireland being able to do that while at the same time allowing us to grow our economy and trade our way to a position

where we are able to pay back what was given to us as a loan under the package. The extra flexibility and the extra tools that are required were the points of discussion at the meeting of the Ministers for Finance and will be again at the upcoming European Council meeting and as things become clearer when the stress tests are completed.

Deputy Gerry Adams: The Taoiseach said we need to live up to our responsibilities in terms of our European partners, and I do not detract from that. However, our first responsibilities are to our own citizens. The Taoiseach went on to say that we need to repay what was given to us. Nothing was given to us; this was not an act of divine mercy. These were very hard-nosed people coming in and saddling Irish taxpayers with private banking debt.

An Ceann Comhairle: Does the Deputy have a question?

Deputy Gerry Adams: The Taoiseach must make it clear to them, to quote the Minister for Finance, that this is not sustainable. Why would the Taoiseach follow through on what he already says is a bad deal for Europe and for Ireland?

The Taoiseach (Deputy Enda Kenny): I agree it was not an act of divine mercy that this was given to us, it was part of a loan package and Ireland has a responsibility to repay loans and we will do that if we are given sufficient flexibility and some extra tools. The universal social charge has been looked at by Government and we have already said in the programme for Government that we will review it before the budget for 2012.

At the conclusion of the eurozone meeting there was an agreement that there should be interest rate reductions for those within the EFSF package. Ireland is the only country in the package at the moment; the Greek Government is not part of it, so a 1% reduction was extended to it and the time extended to seven and a half years for its loans. From that point of view, the principle has been accepted that there can be a reduction of interest rates, which is part of what needs to happen in respect of Ireland's position. It was not possible to reach agreement at the last meeting of eurozone heads of Government and the matter is still being discussed.

Deputy Micheál Martin: We must look at this issue with a degree of frankness, transparency and honesty. Work has been underway for some time, even before the general election, to revamp the mechanisms deployed by Europe, particularly in terms of the EFSF and ESM, focusing on the enlargement of the fund and a reduction of interest rates to enshrine the principles of sustainability and recoverability and to send a strong signal to the markets that Europe as an entity was determined to stand squarely behind the euro as a currency. That work has been underway for some time, the reduction in the interest rate has been on the table and there is a growing consensus among EU member states that the mechanisms must be revamped, mechanisms that were established before Ireland had to avail of any programme. It is important to acknowledge that.

Equally, in response, Ireland has indicated its acceptance of the idea of new fiscal rules for deficits and debt burdens. That was desirable and welcome, not just from an Irish perspective but from a European and eurozone perspective.

It is unacceptable however — this is the real issue — that from the outset of the crisis, the fundamental flaw has been that the major powers in Europe have not dealt comprehensively with the issue. The approach has been faltering and halting. From the onset of the Greek crisis, it has been too slow, with too little, too late. That is what we are now witnessing in the build

[Deputy Micheál Martin.]

up to this summit and in the outcome of the last, namely, new attempts to arrive at a comprehensive resolution of the issues.

The danger is that the major powers are again collectively stopping short of reaching the comprehensive resolution required from a Europe-wide perspective. This is not just about Ireland on its own, and there has been a lot of talk about bad deals but that is just politicking. The reality is that these were pan-European mechanisms that were established before Ireland ever had to avail of any deal and before any interest rates particular to Ireland were decided upon. The rates were decided in advance of Ireland availing of such programmes.

The net point is the domestic political situation in some EU member states has informed the situation, such as the electoral concerns of the German Government and the French President and, to a lesser extent, the Finnish Government. Does the Taoiseach agree that we are dealing with different perspectives of different electorates on the core issue? We are giving a lot and are contributing to the resolution of the fundamental issues pertaining to the euro itself.

We showed good faith by introducing a detailed and sustained austerity programme in recent years. I do not believe the French President or the German Chancellor are entitled to the kind of responses they are seeking in respect of corporation tax etc. Does the Taoiseach agree the fundamental issue is that the leaders of Europe must put aside their domestic electoral concerns and focus instead on the wider concerns relating to the European Union and the sustainability and viability of that entity in the coming years?

The Taoiseach (Deputy Enda Kenny): I agree that the European process relates to consolidation and to allowing each of the 27 member states to develop to their best potential, to create employment opportunities and to maintain both a healthy balance of payments and secure financial positions. Ireland and a small number of other countries obviously occupy a particular position in this regard at present. For whatever reason, I detect a certain level of suspicion in respect of Ireland. The degree of trust I would like to see is not evident at present. This is despite the fact that Ireland has always measured up in the context of its European requirements.

The ECB-IMF package is very particular in nature. Representatives from the IMF met Government officials recently and, as a result of the former's analysis, the fiscal targets set out in the programme for Government have been endorsed. The Deputy and I are aware this is a matter of great concern and anxiety to many people. This weekend, the European Council is likely to deal with a number of issues relating to this matter. That will at least lead towards some co-ordination in the context to which the Deputy refers.

The first of the issues to which I refer relates to the reinforcement of the European semester, including the targets and strategies member states will be presenting in their national reform programmes and programmes for stability and convergence that are due to be published in April. The second issue relates to the presentation of the pact for the euro, which aims to improve competitiveness, employment, public finances and financial stability and which will involve member states identifying commitments they are prepared to make at national level and that will, in turn, be reflected in national reform programmes and stability and convergence programmes. Non-eurozone member states will be invited to participate in this process.

The third issue involves a recommitment to the early adoption, by June of this year, of the so-called "six pack" of legislative proposals to strengthen economic governance in the Stability and Growth Pact. The fourth issue relates to the decision to amend the treaty to allow for the establishment of the permanent fund, namely, the European stability mechanism, ESM. There

will also be confirmation of the detailed adjustments of the European financial stability facility, EFSF, and the ESM. As already stated, broad agreement was achieved at eurozone level on 11 March in respect of the latter. The Council meeting will also note the ongoing work in respect of the stress tests relating to the banks and will contemplate the measures that are likely to be required to respond to the outcome of those tests.

I would like there to be a much stronger reflection of the problems that exist across Europe at the meeting. I accept that Ireland is the subject of a particular level of focus and our discussions must be based on that reality until we discover the extra flexibility and tools that will permit us to restore our status and reputation and once again place us in a position to pay our way.

Deputy Micheál Martin: The speculation is that the work done last week and that which will be done next week will come up short in the context of dealing with the fundamentals involved. There is also a suspicion that the issues of burden sharing, restructuring and debt will be kicked down the road until post-2013. Again, the latter is possibly as a result of domestic electoral considerations in the countries to which I referred earlier. There is a reluctance among the electorates in France, Germany and other countries to face up to the reality that obtains in the context of their banking systems and the ongoing vulnerability thereof. There appears to be a hope that this weekend European leaders will be in a position to put together a plan that will keep the show on the road and that will satisfy the markets — particularly in the context of their focus on Portugal — in the medium term. However, we must continue to ask whether what is on the table is sufficiently comprehensive to achieve what is envisaged in the short to medium term.

The former Minister for Finance, Deputy Brian Lenihan, worked hard on this issue. Contrary to what is being spun by spokespeople on the Government side, relations between EU member states and Ireland are strong and have been for quite some time. I have been a member of the General Affairs and External Relations Council and was on first rate terms with many of my colleagues. That is the factual position. I was delighted to hear the Minister of State, Deputy Lucinda Creighton, acknowledge that there is much goodwill towards Ireland. It is dishonourable to overspin about bridges being burned left, right and centre.

Deputy Ray Butler: That is a good one, coming from Deputy Martin.

Deputy Micheál Martin: It does not stack up.

Deputy Jerry Buttimer: Will the Galway tent be opening again?

Deputy Micheál Martin: It is more transparent than the K Club.

Deputy Timmy Dooley: Deputy Buttimer should read today's report.

The Taoiseach (Deputy Enda Kenny): I cannot speak for leaders of other countries. Electoral considerations are being taken into account in France, Germany, Finland and a number of other countries, where elections are due to take place.

Deputy Micheál Martin: They do not appreciate what they perceive as a bailout.

The Taoiseach (Deputy Enda Kenny): There has also been a lack of trust in respect of the way Ireland has had to conduct its business, which was epitomised by the French Minister for Finance walking out of a meeting at a crucial time and her non-acceptance of what was being

[Deputy Enda Kenny.]

said. Comments made on behalf of Government which were neither achieved nor capable of being achieved led to a sense of confusion.

There is no point in turning away from a crisis. It must be faced. There is a serious challenge ahead for Ireland. We will all be in a much stronger position to deal with the crisis when we are aware of its full extent, and we do not know what its full extent might be. Until the bank stress tests are completed, the adequacy of the preparation of a response to the crisis will not be clear.

The Government is considering a number of measures. The Minister for Finance has been speaking to his European counterparts and to the Central Bank about those measures and about the financial position in which we find the country. This is a legacy that must be dealt with. I would like to be absolutely clear about the scale of the problem. I will not know this, nor will Deputy Martin, until the bank stress test results are published.

An Ceann Comhairle: I will allow two short supplementary questions. Later this afternoon the House will debate upcoming European Council meetings. I want to be fair to Deputies who have tabled parliamentary questions. I will allow a very short supplementary question from Deputies Richard Boyd Barrett and Joe Higgins. Deputy Mick Wallace may also ask a very short supplementary question.

Deputy Richard Boyd Barrett: As a new Deputy, I am just getting used to procedures. I was not aware I would have a chance to come in. I feel I have to comment on the——

An Ceann Comhairle: You do not have to comment, Deputy.

Deputy Richard Boyd Barrett: I feel I do, a Cheann Comhairle.

An Ceann Comhairle: I remind Deputies that this is Question Time.

Deputy Micheál Martin: The Deputy will comment in a rhetorical manner.

Deputy Richard Boyd Barrett: I am confused by some of the things the Taoiseach has said. The tone and attitude of the Government in its discussions with the European Union——

An Ceann Comhairle: Have you a question, Deputy?

Deputy Richard Boyd Barrett: Am I right in saying there is a sharp difference in the attitude we are now taking in the discussions on the IMF-EU package? We are hoping and pleading for small changes in the interest rates, possibly some time further down the road, and this contrasts sharply with the Fine Gael economic manifesto, launched in February of this year, which stated——

An Ceann Comhairle: Deputy, I said I would allow a short supplementary question.

Deputy Richard Boyd Barrett: The manifesto promised that Fine Gael would unilaterally restructure unguaranteed senior debt if Europe did not play ball and grant a fairer package. Is the attitude we are now taking towards our European partners and their attempt to ram this unsustainable deal down our throats not a massive backing away from what Fine Gael said before the election?

Deputy Joe Higgins: Does the Taoiseach agree it is rather disingenuous to blame the electorates of Germany and France for the line taken by the leadership of those countries when in fact what they want to do is save the skins of their major banks and salvage them from their reckless gambling in Irish property? With regard to so-called burden sharing, or what more of us would call “burn the bondholders”, although it is really the bonds we want burned and we do not care what happens the bondholders, the Taoiseach must clarify the issue. The Minister for Finance was quoted in *The Irish Times*—

An Ceann Comhairle: Regardless of what was said in *The Irish Times*, will the Deputy ask a question?

Deputy Joe Higgins: It is a simple point of clarification, a Cheann Comhairle. The Minister for Finance said we are no longer pursuing that option, namely, burden sharing. In reply to me earlier, the Taoiseach contradicted the Minister. Which is the Government policy?

Deputy Mick Wallace: I want to know what the Taoiseach might say in Europe this week in regard to Libya. Recent history has taught us that dropping bombs on people is not necessarily the best way to introduce democracy. Does the Taoiseach agree that some of the major powers that have formed a coalition have been a bit selective as to where they might introduce no-fly zones, not to mention drop bombs. There does not seem to be much interest in introducing a no-fly zone in Bahrain or Yemen, and the same powers were certainly not interested in introducing a no-fly zone over Palestine two years ago. Does the Taoiseach agree that Mr. Sarkozy, who has also not behaved well with regard to our corporation tax, has been very trigger happy about dropping bombs on Libya? He did not even approve of the democratic protest in Egypt and Tunisia but he just could not wait to have his Thatcher-Falklands moment in order to drop bombs on Libya. Would the Taoiseach like to challenge Mr. Sarkozy on that issue?

The Taoiseach (Deputy Enda Kenny): In reply to Deputy Boyd Barrett’s question, there is no change in attitude. The Government made it perfectly clear what we wanted to see was an adjustment in the terms and conditions of the package and there is neither a change in tone nor attitude. It is a question of focusing on the problem the country faces and the options we consider are important in being able to deal with that. I do not want to blame the electorate in Germany, France or any other country for their attitude as that is their business and none of mine. Our concern is not only in respect of our own country, people and financial position but also as part of the European Union of 500 million people and the potential this allows.

Deputy Higgins’ comment in respect of the Minister for Finance is again incorrect and he needs to check the context in which he quotes that comment.

There was quite a deal of discussion at the eurozone meeting on the introduction of a no-fly zone in respect of the unfolding events in Libya. People were very concerned at the slaughter and threatened slaughter of innocent civilians. When I was in America last week and this became a reality, President Obama made it perfectly clear that US troops would not be deployed in Libya and that the no-fly zone was based on the sanction of the United Nations Security Council by vote. On that basis, measures have been taken to prevent the wilful slaughter of innocent people in Libya.

An Ceann Comhairle: We move on to Question No. 6.

Deputy Micheál Martin: For clarification, I would like to ask the Taoiseach a short question on that final point.

An Ceann Comhairle: We have given this question some time and there is a debate coming up. To be fair, Deputy Adams has a question.

Deputy Micheál Martin: It is just a one-line question. Has any official statement emanated from the Government on the Libyan situation?

An Ceann Comhairle: Will the Deputy please respect the Chair? This is Question Time. I call the Taoiseach on Question No. 6.

Programmes for Government

6. **Deputy Gerry Adams** asked the Taoiseach the constitutional referenda he plans to hold in the next 12 months; and if he will make a statement on the matter. [5311/11]

The Taoiseach (Deputy Enda Kenny): Under the Programme for National Recovery, the Government is committed to holding constitutional referendums on the following matters, on a priority basis: the abolition of Seanad Éireann; the granting of full investigative powers for Oireachtas committees; protecting the confidentiality of citizens' communications with their public representatives; reducing the salaries of judges in restricted circumstances; and children's rights. The preparation of the necessary Bills to enable referendums to be held on these proposals will be progressed by the relevant members of the Government as speedily as possible. The likely timing of referendums on the proposals will be considered when a clearer picture emerges and the Bills are ready for presentation to the Oireachtas.

In addition, the programme commits the Government to establishing a constitutional convention to consider comprehensive constitutional reform and to report within 12 months on the following matters: the review of the Dáil electoral system; reducing the term of office of the President from seven to five years; provision for same-sex marriage; broadening the reference in the Constitution to the role of women in the home to one which recognises the role of the parent in the home; removing reference to blasphemy from the Constitution; the possible reduction of the voting age; and other relevant constitutional amendments that may be recommended by the constitutional convention. Work has commenced on the preparation of detailed proposals for the establishment of the convention which will be considered by the Government when they are ready. They will address matters such as the structure, composition and terms of reference of the convention, including the basis on which it will be established. The House will have an opportunity to debate these when they are presented.

An Ceann Comhairle: We are almost finished. I will allow Deputy Adams one quick remark.

Deputy Gerry Adams: Go raibh maith agat. Has the Taoiseach made provision for citizens from the Six Counties to be involved in the constitutional convention? If not, I ask him to do so and to consult with parties in the North and with the First Minister.

I note the Taoiseach has again refused to have a referendum on the EU-IMF deal although that would strengthen his hand. The Taoiseach will give me the pat answer, namely, there was one such in the recent election but this is about strengthening Ireland's hand, giving citizens a say and standing up to what we must in our own interests.

The Taoiseach (Deputy Enda Kenny): As Deputy Adams knows, there was a legal insertion to the Lisbon referendum which was endorsed by the people in respect of——

Deputy Gerry Adams: Which referendum? The first or the second?

The Taoiseach (Deputy Enda Kenny): —the corporation tax rate. I have not contemplated the addition of people from Northern Ireland in the terms of reference for the constitutional convention but will give consideration to that proposal.

Priority Questions

Rapid Response Initiative

15. **Deputy Michael McGrath** asked the Tánaiste and Minister for Foreign Affairs the measures he is taking to support the rescue efforts in Japan. [5386/11]

Minister of State at the Department of Foreign Affairs (Deputy Jan O’Sullivan): Japan is currently responding to the largest emergency in its post-war history as it tackles not only the aftermath of the earthquake and tsunami which struck the country on 11 March, but also a nuclear crisis. We have all been deeply shocked and saddened by these events and I join the Taoiseach and the Tánaiste in expressing our sympathies to the Japanese Government and people.

At magnitude 9 on the Richter scale, the earthquake was one of the biggest ever recorded, triggering a tsunami which washed away entire towns and villages. Thousands of people have been confirmed dead, with many thousands more missing. The Japanese Government is also dealing with the resulting crisis at the Fukushima Daiichi nuclear power plant.

In the hours following the earthquake and tsunami, the Government placed the Irish Aid Rapid Response Corps on standby to deploy to the region. The corps is made up of highly-skilled individuals with the type of knowledge and experience that is most required during a humanitarian emergency. In addition, we informed the Japanese authorities we would make available our emergency stockpiles in Subang, Malaysia. These comprise emergency shelters, blankets and water and sanitation equipment and provide a basic infrastructure to those who have lost their homes.

Although Japan is probably the best equipped country in the world to deal with this kind of disaster, its response capacity has been pushed to the limit. Consequently, it appealed last week to the EU and its member states for help. The Government responded by providing €1 million to the Japanese Red Cross for relief to people left injured or homeless by the disaster. Through Irish Aid and our embassy in Tokyo, the Government is in close contact with the Japanese authorities, the EU and the United Nations, which is helping to co-ordinate the international relief effort. We will continue these efforts in the days and weeks ahead.

Deputy Michael McGrath: I welcome the Minister of State’s response and the €1 million allocation for Red Cross operations in Japan. I also welcome the practical supplies provided through Irish Aid for the rescue and recovery mission. With regard to the efforts being co-ordinated at European level, have the relevant Ministers met to discuss a pan-European response to the crisis in Japan and examine any possible support that may be required? Is there any outstanding request from the Japanese that has not yet been attended to?

Deputy Jan O’Sullivan: As the Deputy is aware, the response is primarily being co-ordinated by the United Nations. The rapid response corps is on standby and our supplies are available for provision through Malaysia. These efforts are being co-ordinated by the United Nations and supplies will be provided directly to the Japanese Red Cross. There have been ongoing

[Deputy Jan O'Sullivan.]

discussions at EU level and particularly with the assistance of the embassy in Tokyo. As the Deputy is aware, the ambassador travelled to the north-east region of Japan. We are ready to provide whatever aid is requested, although there have been no further requests for aid either through the European Union or the United Nations.

Deputy Michael McGrath: With regard to the fallout from the nuclear plant at Fukushima, have the potential consequences of natural disasters for nuclear facilities in the European Union been considered? In our own case particular attention ought to be paid to facilities across the water in the United Kingdom.

Deputy Jan O'Sullivan: The primary concern internationally has been to stabilise the Fukushima nuclear plant in Japan, although other issues may be addressed at a later stage in various fora. At the weekend the nuclear plant was relatively quiet as action continued to be taken to gain control. However, the position is still very serious and there are issues to be resolved in the region close to the plant in particular, from which there have been evacuations. I presume there will be further discussions on the broader issues raised by the Deputy.

Middle East Peace Process

16. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs if his attention has been drawn to the fact that a number of States have recently recognised Palestine as an independent state; his plans to do the same; and if he will make a statement on the matter. [5414/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): A number of countries, principally in Latin America, including Brazil, Argentina and Chile, have recently decided to recognise a Palestinian state. This is in addition to those states, mostly in Africa or the Islamic world, which have recognised Palestine for many years. Over 30 years ago Ireland, in a speech by my predecessor, the late Brian Lenihan, was the first EU member state to declare that the resolution of the Palestinian issue must involve the establishment of a Palestinian state. That is now the policy of the European Union and the international community. I share the commitment of successive Irish Governments to this policy and will be working towards its realisation. It would be premature to declare such recognition now in advance of actual control of the territory in question, a condition to which we in Ireland attach great importance. It is also important to recall that the Palestinian leadership, while clearly working towards the declaration of a state in the near future, has not yet done so. The timing of such a declaration will be an important decision for it to take and may involve potential negative consequences on the ground.

Separately, a number of EU partners, including Ireland, France, Spain, Portugal and the United Kingdom, have recently taken steps to upgrade the status of the Palestinian delegations in their countries, largely in recognition of the continuing progress being made by Prime Minister Fayyad and the Palestinian Authority in building the institutions of a future Palestinian state. By a decision of the previous Government in January, which I fully endorse, the Palestinian representative office in Ireland was upgraded to mission status, headed by an ambassador. I very much hope to be able to extend Irish recognition to an actual functioning Palestinian state during my time in office.

Deputy Pádraig Mac Lochlainn: I am mindful of the fact that when we enter Leinster House, the 1916 Proclamation is one of the first documents we see. A few short years after the 1916

Rising and the reading of the Proclamation outside the GPO, the Irish people, by way of their vote for Sinn Féin in the 1918 election, voted in favour of their independence. We had the First Dáil and declared our independence to the world, with a programme for Government based on the 1916 Proclamation.

Acting Chairman (Deputy Joanna Tuffy): Does the Deputy have a question?

Deputy Pádraig Mac Lochlainn: I will come to it very quickly, although the direction I wish to take is clear. At that time the world did not recognise our legitimate democratic right to freedom and there were dramatic consequences. In 1988 the Palestine Liberation Organization——

Acting Chairman (Deputy Joanna Tuffy): The Deputy should ask a question.

Deputy Pádraig Mac Lochlainn: ——in an extremely honourable compromise was willing to accept 22% of the territory based on the lines drawn in 1967. However, that has never been accepted and because of the failure of the Government, the European Union and the international community to give the Palestinians the validation required——

Acting Chairman (Deputy Joanna Tuffy): The Deputy's time is up.

Deputy Pádraig Mac Lochlainn: ——there have been crises in Gaza and the continued repression and control of the Palestinian people. Will we take a stand through the Government and lead a charge in Europe to defend the rights of the Palestinian people or does the document at the front of this building amount to sheer hypocrisy?

Deputy Eamon Gilmore: I hope to be able to extend recognition to a Palestinian state during my time in office. It is also clearly the case that the actions of the state of Israel, particularly as they affect Gaza and the settlements, are in breach of international law and involve injustice and humiliation for Palestinians. They constitute an obstacle to the achievement of a comprehensive peace settlement in the Middle East. I have also stated Ireland recently upgraded the status of diplomatic links between Ireland and Palestine, on which we hope to build.

Deputy Pádraig Mac Lochlainn: I will repeat what was a very simple question. The Tánaiste is new to his position and this is a fresh start. Traditionally his party gave support to the Palestinian people. I ask him, therefore, to take a stand, with Cyprus, in the European Union in recognising the rights of the Palestinian people. That would have a significant and dramatic impact. Ireland is respected internationally for its involvement in peacekeeping and defending the rights of those who are downtrodden. We could take a significant step in this regard. I, therefore, implore the Tánaiste to recognise a Palestinian state as soon as possible to follow in the footsteps of Cyprus, one of our European partners, and a number of countries in Latin America. It would be a significant gesture.

Deputy Eamon Gilmore: The two-year Palestinian Authority plan to prepare for statehood is due to be completed in the autumn. The response of the European Union to such a declaration of statehood will be a key issue in discussions among EU foreign Ministers. I will be participating fully in those discussions and I am conscious of the necessity to contribute positively to them rather than to anticipate their outcome. My focus will be on advancing them in order that in this country we can provide recognition, I hope in conjunction with other European Union member states.

As I stated, the plan for statehood is due to be completed in the autumn.

Deputy Pádraig Mac Lochlainn: Will Ireland lead the charge in that respect in the European Union?

Acting Chairman (Deputy Joanna Tuffy): The time for this question has expired.

Deputy Pádraig Mac Lochlainn: Will the Minister answer my question, which is a simple one?

Deputy Eamon Gilmore: The Deputy need not have any doubts in that regard.

Foreign Conflicts

17. **Deputy Joan Collins** asked the Tánaiste and Minister for Foreign Affairs his views on recent statements by the USA, the EU and especially EU states like Britain and France, in relation to popular uprisings in Tunisia, Egypt, Yemen, Bahrain and Libya [5445/11]

Deputy Eamon Gilmore: Popular unrest and demonstrations have in a very short time resounded across much of the Arab world. Entrenched authoritarian regimes have been confronted by demands of largely unorganised citizens for change. In a region dominated since independence by the same leaders or elites this has been justifiably titled the Arab spring. The common overwhelming demand has been for change and a more democratic system in which the citizenry as a whole participates in political life and decisions. There are also strong underlying economic grievances at work fuelling these demands. While these are very positive developments, they are also full of potential risk. The outcome so far has ranged from substantial but not yet complete success in Tunisia and Egypt to bloody repression in Libya, an issue I will address in more detail in reply to other questions.

There has been a very large number of statements by the European Union, individual EU member states, the United States and others on these critical issues covering a wide range of countries. Overall reaction, while perhaps understandably a little hesitant at first, has generally been very supportive of the demands for change in the Arab world. High Representative Catherine Ashton, on behalf of the European Union, has spoken often and consistently, urging leaderships to respond to the legitimate demands of their citizens and resist recourse to repression. On 11 March the European Council explicitly called on Colonel Gadaffi to step down.

My own view is that we should provide the countries in question with strong and generous support in their transition to democracy, while at the same time respecting their autonomy. This historic juncture presents many opportunities as well as challenges and we should not fear to grasp them.

The European Union has long had as a key objective the promotion of our values of democracy and the rule of law in our nearest neighbours. My first meetings with EU colleagues have been dominated by our continuing response to these events. The Union believes that, while it is for Arab nations to decide their future direction, we should adapt our engagement with and support for the countries in question so as to support and encourage the transition now taking place.

Deputy Joan Collins: Does the Minister agree that there is a high level of hypocrisy in the stance taken by the western powers, especially the United States, Britain and France, and that a double standard is being applied? Will he join me in condemning the crimes against the civilian population committed not only by the Gadaffi regime but also by the regimes in Bah-

rain and Yemen? Will he condemn the Saudi intervention in Bahrain where pro-democracy protests have been repressed with considerable loss of life? Is it the case that different rules apply when it comes to the oil rich Saudi regime? Does the Minister agree that the denial of democratic rights and repression of dissent, including the arbitrary arrest and detention and disappearance of activists, have been systematic in all of the states in question for decades during which time they have been armed and supported by the United States, Britain and France?

Deputy Eamon Gilmore: Our approach to these issues is governed by the principles of respect for human rights and the rights of individuals, in particular civilians. In respect of Bahrain, about which the Deputy asked a specific question, I am very concerned about reports of serious violence on the streets of Bahrain and signs of increasing sectarian tension. Security forces from Saudi Arabia and the United Arab Emirates, under the auspices of the Gulf Cooperation Council, have been deployed in Bahrain at the request of its government and there is a state of emergency. I fully support the statement made by High Representative Catherine Ashton on 15 March in which she urged restraint and stated dialogue was the only way to solve the crisis in Bahrain. I call on the authorities in Bahrain to begin immediately an inclusive and comprehensive dialogue aimed at agreeing necessary political and economic reforms.

Yemen, about which the Deputy also asked, is also experiencing significant unrest and popular protest which descended into widespread violence on 18 March when at least 39 pro-democracy protestors were shot dead by pro-government forces. On 21 March the Foreign Affairs Council strongly condemned the use of force against protestors and deeply deplored the injuries and loss of life caused.

Deputy Joan Collins: Will the Minister make a statement on the position in Bahrain in which there has been horrendous loss of life and hospitals have been taken over by Saudi soldiers who entered the country to repress the pro-democracy movement? It is not good enough that the Minister did not issue a much stronger statement condemning the role of the Saudi military. Have these events been allowed to happen because Saudi Arabia is an oil rich country?

Deputy Eamon Gilmore: I do not have any hesitation in condemning attacks on civilians in Bahrain. I call on the authorities there to respect the right of unarmed protestors to assemble and express their views and to avoid any actions which would escalate and radicalise the situation.

18. **Deputy Michael McGrath** asked the Tánaiste and Minister for Foreign Affairs his policy in relation to assistance to opposition forces in Libya [5387/11]

Deputy Eamon Gilmore: The people of Libya deserve an agreed and democratic future. The regime of Colonel Gadaffi which has a long and vicious record of violence against those who oppose it has neither the agreement nor the democratic endorsement of the Libyan people. Colonel Gadaffi's abuse of power has been once again demonstrated in his violent suppression of opposition to his rule which has made no effort to spare civilians. He should order an immediate and genuine cessation of his military offensive. He and his family should surrender power and allow the Libyan people to peacefully determine their own shared future.

The Government welcomes the adoption by the United Nations Security Council of Resolution 1973 which demanded the immediate establishment of a ceasefire and a complete end to violence and all attacks against and abuse of civilians and decided to establish a no-fly zone

[Deputy Eamon Gilmore.]

over Libya to help protect civilians. We support the implementation of Resolution 1973 in a manner that is proportionate, targeted and avoids civilian casualties.

The Government which has released stocks of blankets and tents from Ireland's pre-positioned stocks in response to the United Nations' appeal seeking help for those fleeing the ongoing violence, as well as providing €250,000 in funding to help the International Organisation for Migration to transport migrants leaving Libya back to their home countries, stands ready to provide further humanitarian assistance in support of Libyans affected by the current violence.

In relation to opposition forces in Libya, the Interim Transitional National Council of Libya which was formally established in Benghazi on 5 March has emerged as the principal political representative of all those within Libya who are seeking to remove the Gaddafi regime and institute a process of democratic change there. Ireland's long-standing position has been to recognise states rather than governments. However, I obviously welcome the emergence of the ITNC as an important political interlocutor and representative of the Libyan people and would similarly encourage all others within Libya who are committed to helping transform the country into a constitutional state based on the rule of law. Political contacts with the ITNC are important and clearly to be distinguished from any formal act of recognition. I would be happy to meet any envoys of the ITNC should they ever visit Ireland. Officials from my Department have held a number of meetings with representatives of the Libyan community in Ireland to discuss events since the start of the current crisis.

Deputy Michael McGrath: I note the Minister's statement that the Government supports the implementation of the UN Security Council resolution "in a manner that is proportionate, targeted and avoids civilian casualties." Does he support the manner in which the resolution is being implemented? We are relying on media reports, including some which indicate there have been many civilian casualties. As the latter come from the Gaddafi regime, they are unconfirmed and somewhat dubious. I am interested in learning whether the Minister believes the manner in which the Security Council resolution is being implemented is proportionate, targeted and avoids civilian casualties.

Deputy Eamon Gilmore: The purpose of the resolution was to protect civilians from attacks upon them by the Gaddafi regime. UN Security Council Resolution 1973 makes it clear that necessary measures are only authorised in order to protect civilians and civilian populated areas in Libya that are under threat of attack or to enforce compliance with the no-fly zone.

I welcome the assurances provided that this is the sole purpose of the military operations now underway and that no actions will be contemplated which are not in strict accordance with the terms of resolution 1973. I repeat, Ireland can only support implementation of resolution 1973 in a manner that is proportionate, targeted and avoids civilian casualties.

Deputy Michael McGrath: I thank the Tánaiste for his reply. In response to an earlier question dealing with a number of countries, the Tánaiste said that the Government provided strong and generous support to those countries in their transition to democracy. I am interested to hear his response to the comments made yesterday by President Obama and Prime Minister Cameron in relation to Libya which made clear that the end game as far as they are concerned is regime change. While the security council resolution does not provide for regime change it appears that is the agenda for those two super powers. I am interested in hearing whether the

Irish Government supports regime change and in what manner that support, if forthcoming, can be manifested.

Deputy Eamon Gilmore: The Deputy has raised two questions, the first of which relates to the transition to democracy in Libya. Clearly, the Government supports the transition and moves towards democracy in Libya. For this to happen, the Gaddafi regime will have to be replaced. However, UN Security Council Resolution 1973 is not based on regime change. It was adopted to protect the civilian population in Libya and, therefore, actions taken under resolution 1973 must be confined to the protection of the civilian population. They do not extend to regime change. In circumstances where there are no threats to the civilian population and the people in Libya are free to protest and agitate for change of the regime, Ireland supports that effort and the transition to democracy. It must be clearly stated that resolution 1973 did not comprehend regime change. It is confined to the protection of civilians, on which our support for implementation of that resolution is based.

Human Rights Issues

19. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs his views regarding the treatment of a person (details supplied) who is being held by US authorities in conditions that Amnesty International has described as inhumane; if he will raise these concerns with the US authorities; and if he will make a statement on the matter. [5285/11]

Deputy Eamon Gilmore: I am aware of the case referred to by the Deputy and of the remarks made by Amnesty International. As the individual referred to is the subject of legal proceedings, it would not be appropriate for me to comment in this instance. I understand that President Obama has intervened on the issue.

It is the responsibility of every state to uphold the right to due process of all individuals detained in its jurisdiction, including to trial within a reasonable time or to release. It is also the responsibility of all states to ensure that persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person.

Deputy Pádraig Mac Lochlainn: The Tánaiste referred to Amnesty International's concerns in this case. Is he aware that the detention of the individual in question appears to violate Article 10 of the International Covenant on Civil and Political Rights dealing with the detention of prisoners and of the UN standard minimum rules for the treatment of prisoners? Is the Tánaiste further aware that Manfred Nowak, UN Special Rapporteur on Torture, is to carry out an investigation into the detention of this individual?

Given, as I stated earlier, Ireland's well deserved reputation for defending human rights throughout the world, will Ireland take a stand on this issue? I, as much as anybody else in this Chamber, respect President Barack Obama who made torture at Guantanamo Bay and so on one of the planks of his campaign. It is important to be consistent, in particular for a President who has given hope to so many of us in progressive politics.

Deputy Eamon Gilmore: The United States of America ratified the International Covenant on Civil and Political Rights in 1992. Article 10 of that covenant requires that "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person". I would expect no less from the US authorities than that they would ensure that Mr. Manning is held in conditions which are in accordance with their obligations as a state party to the ICCPR.

[Deputy Eamon Gilmore.]

With regard to Guantanamo, Ireland has consistently called for the closure of the Guantanamo detention centre and for the bringing to trial or release of those detained there. We, along with our EU partners, are disappointed at recent developments and at the resumption of military trials of detainees. When I met last week with US Secretary of State Clinton, I expressed the Government's disappointment at the recent decision to maintain the Guantanamo detention facility and expressed the hope that all remaining inmates would be released or brought to trial.

Deputy Pádraig Mac Lochlainn: I am sure the Tánaiste shares my concern for this individual who is being locked up for 23 hours a day in a 72 foot cell and who has been, at times, stripped naked. The Tánaiste may have read some of the recent news articles in Ireland on this issue which is causing a great deal of concern.

The Programme for Government commits to ensuring rendition flights are not passing through Shannon. Will the Tánaiste assure us that there will be, at the very least, an investigation by his Department into what has happened to date and that Shannon is not being used as a thoroughfare for this type of activity? I refer again to our well deserved reputation in defending human rights internationally. There can be no room for grey areas.

Deputy Eamon Gilmore: I agree with the Deputy that Ireland has a well deserved reputation for defending human rights. We do not defend human rights on a selective basis. For this reason, it is our expectation that the United States authorities will ensure Mr. Manning is held in accordance with the terms of the convention to which it is a party.

With regard to Shannon, the Deputy may take it that Shannon will not be used as a means of rendition, facilitating torture or any other activity which violates human rights.

Deputy Pádraig Mac Lochlainn: Will the Tánaiste have his Department carry out an investigation into what has happened to date?

Deputy Eamon Gilmore: I am aware that the Council of Europe has carried out an investigation. Clearly, any evidence brought to our attention will be investigated.

Other Questions

Ministerial Responsibilities

20. **Deputy Willie O'Dea** asked the Tánaiste and Minister for Foreign Affairs his bilateral and multilateral priorities for the next four months [5352/11]

Deputy Eamon Gilmore: My priority as Tánaiste and Minister for Foreign Affairs is to promote and protect the values and interests of Ireland and its citizens abroad. In this regard, the promotion of Ireland's economic interests overseas is a key focus.

I plan to recall Ireland's ambassadors in the coming weeks for briefings on a new approach to promoting and marketing Ireland as a country in which to do business. I, and my colleague, the Minister of State for Trade and Development, Deputy Jan O'Sullivan, will also meet with key interlocutors in established and emerging markets to strengthen our bilateral economic relations.

Within the EU context, the priority over the coming months is to re-establish Ireland's credentials with our partners and the institutions. I will be undertaking a number of visits and contacts in that regard, in respect of which I will work closely with the Minister of State with responsibility for European Affairs. The relevance and importance of EU membership to a wide range of domestic and foreign policy issues cannot be overstated. Intensive efforts are continuing to assemble a durable response to the current economic and financial crisis. They will reach a decisive point at the European Council meeting this week. The forthcoming visits by Queen Elizabeth and President Obama will underline the political and economic importance of our bilateral relationships with the United Kingdom and the United States of America. The further development of these relationships will continue to be a priority.

The Government's official development assistance programme, Irish Aid, is an integral part of our foreign policy. Our aim is to work strategically towards a time when development aid will no longer be necessary and our relationship with Africa will be one of trade, commerce and mutual interest.

The current crises in north Africa and the Middle East require a concerted response from the international community in support of the democratic transformation processes which are under way. Ireland is working closely with our EU and UN partners towards this aim. At this time of historic change, the need for a settlement between Israelis and Palestinians is greater than ever. I have discussed all of these issues at recent meetings with my EU counterparts and with Secretary of State Clinton.

Ireland is a firm supporter of the United Nations system and we are working to achieve a reformed UN capable of fulfilling its peace, development, disarmament and human rights responsibilities. I will intensify preparations for Ireland's chairmanship of the Organization for Security and Co-operation in Europe next year to ensure we are in a position to provide effective leadership of the organisation's ongoing work on the promotion of comprehensive security throughout the OSCE region.

Deputy Willie O'Dea: I thank the Tánaiste for his comprehensive reply. Has the Tánaiste any plans to devote extra resources to the embassies abroad to enable them to fulfil their new role as promoters of trade? Has the Tánaiste considered meeting his European counterparts with a view to adopting a joint approach to the crisis in Japan?

Deputy Eamon Gilmore: The matter of resources for our embassies abroad must be addressed in the context of the overall budgetary situation and the resources available. However, it is our intention to widen the role of the Department of Foreign Affairs to include a brief in respect of trade. We are making arrangements to give effect to this change so that, as a country, we get the maximum impact from our diplomatic missions abroad and so that we provide a focus on trade, expanding business and opening up business opportunities.

With regard to the situation in Japan, my colleague, the Minister for Communications, Energy and Natural Resources, attended a meeting yesterday of European energy ministers in order to address the issues and energy implications for nuclear power stations in a co-ordinated way. I will be working with my European Union colleagues to co-ordinate the European Union response to the situation from the point of view of providing assistance and aid.

Deputy Willie O'Dea: I understand the content of the Tánaiste's reply but if the embassies abroad are to be given an enhanced role, surely this requires a measure of reorganisation, including enhanced resources. Otherwise, are we supposed to take it that the embassies abroad

[Deputy Willie O'Dea.]

are underemployed at the moment if they can take on extra responsibilities without any extra resources?

Deputy Eamon Gilmore: It is a question of co-ordinating Ireland's overall efforts abroad. It involves the embassies and the various agencies which represent and work for Ireland abroad, including Enterprise Ireland, the IDA and others in tourism, food and so on. The Government's objective is to ensure we get the maximum co-ordinated approach and impact from our entire presence abroad and to give that presence abroad a renewed focus on trade and business.

International Agreements

21. **Deputy Caoimhghín Ó Caoláin** asked the Tánaiste and Minister for Foreign Affairs his plans to ratify the optional protocol to the International Covenant on Social and Economic Rights [5318/11]

Deputy Eamon Gilmore: The optional protocol to the International Covenant on Economic, Social and Cultural Rights opened for signature in New York in September 2009. To date some 35 states have signed. A total of nine of the 27 EU member states have signed. Three states have ratified the optional protocol: Ecuador, Mongolia and Spain. The optional protocol will come into force three months after the deposit with the UN Secretary General of the tenth instrument of ratification or accession. My Department has led consultations between Departments on possible signature of the optional protocol, recently circulating an informal paper for the information of Departments and inviting their comments. A formal proposal asking Departments for their views as to possible signature of the optional protocol will be circulated to Departments shortly. Once that process is completed, the question of the possible ratification of the optional protocol will be examined.

Deputy Pádraig Mac Lochlainn: I welcome the Tánaiste's comments. Will the Tánaiste give a sense of the timeframe within which we will have a positive outcome? As the Tánaiste has pointed out, some 35 countries have signed up to it, including nine of our European partners. This is a principal international treaty or protocol and it means we can have a moral high ground especially in terms of Third World countries, including some of the countries struggling at present for democratic rights. Ireland and Europe should lead by example on these matters and it is important that we do so immediately. We must consider the issues of the rights of persons with disabilities as well and there is also a convention related to issues of the rights of all migrant workers to be signed in Ireland. What is the position on these?

Deputy Eamon Gilmore: The latter part of the question extends the scope somewhat and it might be better to table questions to the line Minister in respect of migrant workers. The Government will not delay its consideration of the possible ratification of the optional protocol. After it has examined the issue, the Government will take a decision on possible signature.

In Ireland the practice is to pass any necessary legislation prior to ratification rather than afterwards. This makes sense because of our desire to ensure the treaty can come into full effect on ratification. It does not make a great deal of sense to ratify it and then have to pass the legislation. The object of seeking the consideration of Departments is to determine what is required from the point of view of individual Departments with respect to any legislation or regulations that must be made. This is where the process is now. The idea is to put in place the legislation and regulation and, having done that, to proceed then with ratification. It is something which we do not intend to delay.

Deputy Pádraig Mac Lochlainn: I note there is no commitment to it in the programme for Government. I accept the assurance of the Tánaiste and I take it as read. As in the case of his assurance in respect of the Palestine matter, will the Tánaiste lead up this issue and fast-track consultation with his fellow Ministers in Cabinet to try to get to the required point as soon as possible? As I have stated repeatedly today, this matter is important. We have an immense track record internationally. We should lead the charge in all of these matters and take the moral high ground in Ireland such that we can take on those throughout the world who are not giving these rights to their citizens.

Deputy Eamon Gilmore: In respect of following up on the matter, to date the Department has circulated an informal paper to other Departments seeking comments and observations on the ratification of the protocol. A formal proposal calling on Departments for their views will be issued shortly. We will follow up on it and ensure we try to get the various ducks in a row such that we can get the protocol ratified.

Overseas Development Aid

22. **Deputy Billy Kelleher** asked the Tánaiste and Minister for Foreign Affairs the proportion of GDP he will spend in 2011 on Overseas Development Aid and each subsequent year until 2015; and the associated cost to the Exchequer [5348/11]

Deputy Jan O'Sullivan: In 2011, it is estimated that we will spend approximately €669 million on official development assistance, ODA. This will equate to 0.52% of our Gross National Product, GNP, and remains a very clear demonstration of Ireland's commitment to the reduction of poverty in the developing world. In our programme for Government we committed ourselves to the 0.7% of GNP target for ODA and we will seek to achieve this by 2015. This objective aligns Ireland with the wider EU commitment to the same target.

Ireland's aid programme is strongly focused on some of the world's poorest countries, especially in Africa. Our aim is to work strategically and in partnership with those countries so that, ultimately, development aid will no longer be necessary and our relationship with Africa and the entire developing world will be one of trade, commerce and the mutual interests of our peoples.

As the Deputy is aware, annual ODA allocations, as with all departmental allocations, are agreed during the Estimates process and will be set within the overall budgetary framework and fiscal constraints facing the country in the coming years. While final budget allocations are ultimately a matter for the Minister for Finance, I assure the Deputy I will make the strongest possible case for each year's development aid allocation.

Our aid programme has been consistently and independently rated as one of the world's best. Ireland is acknowledged as a significant global player in development and our aid programme has been marked by its quality and focus on the poor. One of its greatest strengths is the strong public and cross-party support it enjoys, which draws from the fundamental commitment of the Irish people to work with those less fortunate than ourselves. The Government is determined to build on these foundations of strong national ownership and respected international reputation to ensure Irish Aid remains at the cutting edge of efforts to reduce global poverty and hunger, even at this time of economic difficulty at home.

4 o'clock

Acting Chairman (Deputy Joanna Tuffy): As there is no supplementary question, we will proceed to Question No. 23.

Deputy Dara Calleary: We are letting the Minister of State off lightly on her first day.

Deputy Jan O'Sullivan: Obviously, it was a good question well answered.

Deputy Eamon Gilmore: What kind of an Opposition are the Deputies at all? This would never have happened in my time.

Deputy Pádraig Mac Lochlainn: I could give the Tánaiste a supplementary question.

Deputy Dara Calleary: The Government Members should be proud of themselves.

Deputy Michael McGrath: We want to discuss Colonel Gadaffi.

Foreign Conflicts

23. **Deputy Michael McGrath** asked the Tánaiste and Minister for Foreign Affairs his views on whether the response by the international community to the Libyan crisis is sufficient in view of the alleged scale of the atrocities that are happening there [5347/11]

42. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs the position regarding the crisis in Libya [5002/11]

Deputy Eamon Gilmore: I propose to take Questions Nos. 23 and 42 together.

The response of the international community to the Libyan crisis has been swift, vigorous and clear. The United Nations Security Council reacted with unprecedented swiftness in adopting Resolution 1970 on 26 February, which implemented an immediate arms embargo, asset freeze and travel ban against Gadaffi and members of his family and regime. The Security Council also referred the situation in Libya to the Prosecutor of the International Criminal Court to initiate an investigation in light of the clear evidence of the widespread and systematic attacks launched by the regime against the Libyan population. The UN General Assembly also moved to suspend Libya from its membership of the UN Human Rights Council.

Subsequently, the UN adopted Security Council Resolution 1973 on 17 March, which demanded an immediate and complete ceasefire, authorised all necessary measures to protect civilians and established a no-fly zone over Libya. Resolution 1973 further strengthens the arms embargo, asset freeze and travel ban provided for under Resolution 1970.

I welcome the adoption of Resolution 1973, which is clearly intended to halt the violence being waged by the Gadaffi regime on the Libyan people and ensure civilian protection. I have urged that any military action taken in pursuit of Resolution 1973 should be in full conformity with its terms, proportionate and targeted and should avoid civilian casualties.

The response of the EU to the Libyan crisis has been equally firm and decisive. The European Council meeting on 11 March made clear that Gadaffi must relinquish power and stand aside to enable an orderly transition to democracy in Libya, in conformity with the legitimate demands of the Libyan people. Further conclusions underlying the EU's determination to support the implementation of Resolution 1973 were also agreed by the Foreign Affairs Council yesterday. The full range of sanctions imposed in Resolutions 1970 and 1973 have already been implemented at EU and national level, along with additional restrictive measures aimed at cutting off the flow of funds and misappropriated proceeds to the Gadaffi regime. Further restrictive measures, targeting Libyan oil and gas revenues and ensuring they do not end up in the hands of the regime, are already under consideration within the Council.

Regional support in response to events in Libya has been critical, with the Arab League, African Union and Gulf Co-operation Council among others all forcefully condemning the Gadaffi regime for its actions and urging concerted international efforts to address the situation, including the imposition of a no-fly zone. The closest co-operation with the region must continue to be urgently pursued in the period ahead.

The international community has reacted swiftly to the humanitarian situation in Libya. Significant efforts have been undertaken to help those stranded at border areas, with the UN High Commissioner for Refugees, UNHCR, and the International Organisation for Migration, IOM, working with the Tunisian and Egyptian authorities to ensure the migrants receive basic assistance. The contribution of the latter countries has been crucial and is particularly praiseworthy in light of the recent dramatic events in both countries.

Deputy Michael McGrath: I thank the Tánaiste for his response. Does UN Security Council Resolution 1973 provide sufficient authority for a potential US peacekeeping mission? If a further resolution needs to be passed by the Security Council to give that authority, has the Government given any consideration to Ireland's participation in such a mission in Libya?

Deputy Eamon Gilmore: UN Resolution 1973 does not provide for the presence of any overseas troops in Libya. Were there to be such a mission, it is my understanding that a further resolution of the UN Security Council would be required.

Deputy Michael McGrath: In the event of such a resolution being passed, what would be the Government's attitude?

Deputy Eamon Gilmore: We would need to adopt and express a view on the terms of such a resolution before its passing. We cannot be expected to adopt a position on a resolution that has not been tabled or passed. It is a matter we would consider at the time if it arose.

Deputy Richard Boyd Barrett: I hope we all agree that we should extend the maximum support and solidarity to the people of Libya who are fighting for democracy against Gadaffi's ruthless regime and to the wider democratic movements that have erupted across the Middle East and are fighting against similarly obnoxious regimes.

Should we not be seriously questioning the motives and actions of those who are launching a military campaign against Libya? I say "motives" because, for the most part, the United States of America and the large European powers were slow in giving full support to the democratic movements in Tunisia and Egypt, maintained relations with the Mubarak and Ben Ali dictatorships right up to the end and refused to support the overthrow of those regimes until that had been effected by the people of those countries, only then deciding to wade in behind the democratic movements. A democratic movement under way in Bahrain is being dealt with ruthlessly by that country with the support of Saudi Arabia and the United Arab Emirates——

Acting Chairman (Deputy Joanna Tuffy): I am afraid the Deputy is moving beyond the remit of the questions.

Deputy Richard Boyd Barrett: I am questioning the motives of those who are now intervening in Libya. Does the Tánaiste not have deep concerns about the motivations behind this military action, given the record of the United States and the large European powers in their response to the other democratic movements in the region?

Acting Chairman (Deputy Joanna Tuffy): The Deputy's time has expired.

Deputy Richard Boyd Barrett: Are there not significant double standards to which we must point? Should we not question whether the military action is intended, as the Tánaiste stated, to halt the violence against a civilian population or whether it is a cynical calculation by those military powers as to how they can contain the democratic revolutions in the region?

Acting Chairman (Deputy Joanna Tuffy): The Deputy's time is up. Allow the Tánaiste to reply briefly.

Deputy Eamon Gilmore: I can only respond to what is fact. As a country, we support the efforts of those who have been seeking to establish democracy in Egypt, Tunisia and, more recently, Libya. It was hoped that the transition to democracy in Libya would proceed peacefully and that the regime would respond to the Libyan people's demands for change. However, that did not occur. The regime responded to its civilian population viciously. The international community needed to respond to that action, a response that came through the UN. Many of us have often been critical of the slowness of the UN in responding to such situations, but the UN has responded and passed a resolution aimed at protecting the civilian population. Ireland welcomes the passage of that resolution and supports its implementation.

I have made clear our support for the implementation of that resolution is on the basis that it is proportionate, targeted and avoids civilian casualties. I can only answer for the position of the Irish Government and, in so far as we participate in collective decision-making with the EU on these matters, for the EU position. The positions and motivation of other governments is a matter for them.

Passport Applications

24. **Deputy Dara Calleary** asked the Tánaiste and Minister for Foreign Affairs his plans to move the passport service from his Department to the Department of Justice and Law Reform; the reasons behind such a decision; and the expected cost of such a move [5349/11]

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): As the Deputy is aware, the programme for Government included the commitment that consideration would be given to transferring the passport service from the Department of Foreign Affairs to the Department of Justice and Law Reform to operate as an independent executive agency under the aegis of that Department. Officials in my Department are currently examining the issues associated with this commitment and it is, therefore, premature to conclude at this time when this transfer will proceed. However, I expect to have made a decision on this matter within the next three months. A passport is an identity document and, in this context it is more appropriate that the issuing authority be under the responsibility of the Department of Justice and Law Reform which has responsibility for citizenship law. It would, in this regard, be in line with many passport agencies internationally. I have asked my officials to consider the most appropriate organisational arrangements which would enable the passport service to operate on a self financing basis, while maintaining a direct and accountable reporting relationship to the Dáil.

At this point I am unable to quantify the exact costs of a transfer, if it does proceed. However, I expect that where costs are experienced they would likely to be accommodated within the routine operation of the passport service.

Deputy Dara Calleary: I wish the Minister and the Minister of State every success in their positions.

However, the Minister has outlined the rationale for the transfer of functions. The Department has generally managed the passport service well. In many countries the foreign affairs Department or its equivalent manages passport services and that should continue here.

What is the current processing time for a passport? What contingency plans will the Minister put in place to either protect or improve the processing time pending the transfer of services to the Department of Justice and Law Reform? In advance of the busy summer season, how many additional staff does he intend to allocate to the Passport Office? When will they take up office? What impact will they have on processing times?

With regard to the cases of abuse of Irish passports last year, what is the current status of the investigation within the Department? Have other sanctions been taken, apart from those publicised? Does the Minister plan to restore the facility to this House whereby Members can assist their constituents to acquire passports in difficult circumstances? I support Deputy Ring's many calls for the location of a passport office on the west coast.

Deputy Michael Ring: Rightly so.

Deputy Denis Naughten: How far west does Deputy Calleary want it?

Deputy Eamon Gilmore: I should have said nothing about supplementary questions earlier. I was tempting fate. There were approximately ten supplementary questions.

Deputy Dara Calleary: One should be careful what one wishes for.

Deputy Eamon Gilmore: I do not have the information regarding processing times but I will forward it to the Deputy. He raised a number of issues relating to security and the use of fake passports. That is precisely the rationale for the proposed transfer from my Department to the Department of Justice and Law Reform.

Deputy Dara Calleary: Surely the changes can be made within the Department of Foreign Affairs.

Deputy Eamon Gilmore: Issues relating to citizenship are currently dealt with by the Department of Justice and Law Reform. The issuance of passports is different now from 30 or 40 years ago when it was taken as a matter of course that this would be done by the Department of Foreign Affairs. In many jurisdictions, the issuing of passports is closely aligned with immigration functions and the issuing of identities.

The Deputy asked about the busy summer season and I will ensure sufficient resources are available in the Passport Office to avoid delays. Ideally, I would like to have a scenario where it is not necessary for people seeking passports to have to route their queries through busy Members who will have many legislative responsibilities to deal with. However, it is something I will look at.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters

An Ceann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Seán Conlan — the decision to close the district veterinary office, Ballybay, County Monaghan; (2) Deputy Mattie McGrath — the value for money review of small primary schools; (3) Deputy John O'Mahony — the need to address problems arising with the rural

[An Ceann Comhairle.]

social scheme; (4) Deputy Michelle Mulherin — that the Minister for Environment, Heritage and Local Government explains the delay in the issuing of a foreshore licence for Killlala sewerage scheme and expedites the resolution of any outstanding issues with a view to having the licence issued as soon as possible; (5) Deputy Joe Costello — the need to proceed with the construction of the national paediatric general hospital; and (6) Deputy Gerald Nash — the need for the Minister for Health and Children and the Health Service Executive to ensure that funding is provided to the Dignity 4 Patients group, an organisation established to support and on behalf of the alleged victims of Drogheda-based former consultant Michael Shine.

The matters raised by Deputies Mattie McGrath, John O'Mahony, Seán Conlan and Joe Costello have been selected for discussion.

Leaders' Questions

An Ceann Comhairle: I remind Members that we have seven minutes per question broken down as follows: two minutes for the Members asking questions, three minutes for the reply and one minute each for a supplementary question and answer.

Deputy Micheál Martin: In light of the fact that the Moriarty tribunal has issued a report concerning the awarding of the most valuable commercial licence ever awarded by an Irish Government — and accepting and acknowledging the report is detailed and complex and this is no small issue, which has enormous implications for the State, both financial and political — and that it represents a damning indictment of the collective decision arrived at by the then Government and the process leading to the decision to award the licence, the report addresses two core points: what happened before the licence was awarded to promote the interests of one bidder and what happened after the licence was awarded.

Even though it is a long and detailed report, in the context of issues about which the Taoiseach will be aware, will he explain his own personal level of knowledge of the pervasive culture at the time of Esat Digifone raising its level of influence within Fine Gael and over Fine Gael via the many donations it made at the time? A strong link is made in the report between what is termed “a pattern of significant conspicuous financial support to Fine Gael” and the decision arrived at regarding the awarding of the licence. Would the Taoiseach be able to explain his own personal level of knowledge of that culture and of the fundraising activities that went on?

Six members of the current Government sat around the Cabinet table when that most valuable licence was awarded. Will the Taoiseach, in light of his earlier commitment, facilitate an opportunity to the House and to those Ministers to account for their role in that decision and their perspective on how that licence was awarded?

Does the Government intend to send the report to the Director of Public Prosecutions?

The Taoiseach: I note the Deputy's statement that this, in his view, is a damning indictment of the collective decision arrived at by the Government of the day. I have not had an opportunity to glance through the report or to hold the 2,000 page offering in my hands yet. However, I am glad it has been published. I asked from the Deputy's seat on many occasions over the past number of years when it would be published and I welcome its publication. This is a serious report and it deserves serious consideration. Ample opportunity will be given in due course to debate it in this Chamber. I do not want to say anything now because I have not read the report but, after 14 years, it deserves serious consideration.

Obviously, the report refers to the Civil Service, politicians and the processes by which Government decisions are arrived at and by which Government does its business. All Members are probably constrained to an extent by the fact there are at least four, if not six, cases pending before both the High Court and the Supreme Court in respect of this report. The Deputy can take it that the lessons to be learned from this report will be learned. I have already replied to the Deputy in respect of making a contribution on this issue in the House. The Minister for Communications, Energy and Natural Resources will take a private notice question after Leaders' questions. It is a serious report that deserves serious consideration and I intend to give it that.

Deputy Micheál Martin: Am I to understand that the Taoiseach will not be here for the private notice question and that it is just for the Minister for Communications, Energy and Natural Resources?

The Taoiseach (Deputy Enda Kenny): The private notice question is to the Minister for Communications, Energy and Natural Resources. Obviously, I will be here before the——

Deputy Micheál Martin: But the Taoiseach will not be answering questions today on it.

The Taoiseach (Deputy Enda Kenny): No. The question is tabled to the Minister.

Deputy Micheál Martin: The Taoiseach should be under no illusions that this decision and the findings of this report do enormous reputational damage to the country in terms of the way it does its business. In respect of many of the issues in the report the Taoiseach does not need to read some aspects of it.

(Interruptions).

Deputy Micheál Martin: I refer to the Telenor donation. There is a damning conclusion from the chairman of the tribunal regarding the Taoiseach's party's lack of co-operation and concealment, and the decision not to give the details of that donation to the tribunal. It is a stinging criticism of Fine Gael and is by far the most serious criticism of a political party made in any report of a tribunal of inquiry established by this House. It states: "Whilst allowance is made for the factors mentioned at 3.3.1, this observation nonetheless is seen as applying to Fine Gael, whose role both in Government and Opposition had been instrumental in the establishment of this Tribunal, in favour of which establishment——

An Ceann Comhairle: Thank you, Deputy.

Deputy Micheál Martin: ——its Oireachtas members had unanimously voted". It states that without media disclosures in 2001, "No person or entity connected with the payment [this is the payment from Esat of \$50,000] saw fit to notify the tribunal of it, notwithstanding a substantial degree of knowledge of its clandestine circumstances and proffered return, and it is likely that, without the media disclosures that occurred in 2001, the matter would have remained hidden from public knowledge".

The Taoiseach has come in here and said that he has read nothing of that and that he knows nothing of the detail to get him over today but I am under no illusions that the Taoiseach has been well briefed, even by now, in terms of the essence of this report and the conclusions. I say to the Taoiseach——

An Ceann Comhairle: The Deputy has gone over his time. The Taoiseach to reply.

Deputy Micheál Martin: In the first instance the Taoiseach should account for that reference to the absolute lack of co-operation by his party. Does he, on behalf of his party, apologise for that fundamental lack of co-operation with the tribunal on that specific issue alone, which he does not need to read about because he knows all about it?

The Taoiseach (Deputy Enda Kenny): I do not agree at all with the Deputy that this is about getting over today. There are many tomorrows when there will be an opportunity to discuss this report. I have already answered a question from the Deputy when he asked if I would contribute to this debate, and I said I would do so.

Deputy Micheál Martin: No, I did not ask you that.

The Taoiseach (Deputy Enda Kenny): Yes, you did.

Deputy Micheál Martin: I asked you to answer questions, not——

An Ceann Comhairle: Through the Chair, please.

The Taoiseach (Deputy Enda Kenny): Yes, and I will answer questions in so far as I can. The Deputy said it is not necessary to read the report. The Deputy's former leader did not read the Lisbon treaty. It is necessary to read reports. In fact, if the Deputy goes back a little further he will recall that he himself decided not to read a particular brief, which cost €400 million as an issue.

Deputy Dara Calleary: It cost a lot more——

The Taoiseach (Deputy Enda Kenny): I remind the Deputy also that he said he had no responsibility for it.

Deputy Micheál Martin: Stick to the point.

Deputy Brian Hayes: That is the point.

The Taoiseach (Deputy Enda Kenny): It is important to read these reports.

In respect of an incident the Deputy mentioned earlier, I recall that the Fine Gael Party was commended by the tribunal for its forthrightness in bringing that to the notice of the tribunal.

Deputy Micheál Martin: That confirms you have not read it.

The Taoiseach (Deputy Enda Kenny): I like to read these reports. This is a serious report, as the Deputy said, and as I informed him there are between four or six either High Court or Supreme Court cases pending on this issue. Obviously, that will not prevent comment and the opportunity for a proper discourse and debate here in the House about this issue. As I said, it does refer to politicians, the Civil Service and the processes of Government. It is clear that these are issues of which serious note must be taken and acted upon, and that will be done.

Deputy Gerry Adams: Nuair a bhí muid ag caint agus ag magadh níos luaithe, dúirt mé leis an Taoiseach go raibh a lán fadhbanna romhainn, mar shampla, tuairisc Moriarty. Tá seans ann go mbeidh an Taoiseach ag labhairt faoin obair dáiríre thábhachtach sin. I appreciate the Taoiseach will not have had the chance to read the full report but I have scanned the executive summary and it is a clear exposé of a Fine Gael Minister for Communications and of a Fine Gael Government of which the Taoiseach and five other current Ministers were a part. I am not suggesting that he was in any way involved in anything inappropriate but Cabinet responsi-

bility arises in respect of these matters. The then Minister, Deputy Lowry, is accused of providing substantive information to Denis O'Brien which was "of significant value and assistance to him securing the licence", that is, the mobile phone licence. Rinne an t-Uasal Lowry é sin gan aon cáineadh ó Taoiseach Fhine Gael ag an uair. The report states that Fine Gael benefited to the tune of \$50,000 from the Minister's "profoundly corrupt behaviour". That money was handed over in the United States of America.

There is a question about whether that money was declared at that time to the US Department of Justice. I understand that Fine Gael gave back the \$50,000, eventually. I note Repsol press. Where are you, Eamon?

(Interruptions).

An Ceann Comhairle: Deputy Adams, please.

Deputy Gerry Adams: Obviously, Fine Gael knew there was something inappropriate about this transaction and therefore what did it do at the time about it? Has Fine Gael received any other money from Denis O'Brien or any of his companies? There is a mention in the report of a total of IR£22,000 during the period under investigation. When will the Taoiseach make a full statement and when will the Dáil have the chance to discuss these issues fully?

The Taoiseach (Deputy Enda Kenny): Tá a fhios agamsa agus ag an Teachta Adams go bhfuil fadhbanna agus deacrachtaí móra le réitiú ag an tír agus ag muintir na hÉireann. Deputy Michael Lowry was appointed as a Minister in the Fine Gael-Labour-Democratic Left Government of 1994-97. When it became clear that there was an issue, the former Minister, Deputy Lowry, was removed forthwith. This party, in negotiating with the Labour Party for the formation of this Government, did not seek any support from Deputy Lowry.

Deputy Billy Kelleher: That is a different issue.

Deputy Micheál Martin: In fact, that is a different issue——

The Taoiseach (Deputy Enda Kenny): I already dealt with the issue Deputy Martin raised about moneys that were allegedly to the benefit of Fine Gael. That matter was cleared up before the tribunal, and I will do so again whenever the discussion takes place here. The Whips can arrange that at an appropriate time.

The Deputy mentioned \$50,000. I recall somebody sitting at this chair making a claim that the party the Deputy represents was in receipt of moneys way beyond that figure, which the Deputy denied, but in so far as this report is concerned, I want to study it. The Government will respond to it. The House will have an opportunity to discuss it and give its views. I repeat that there are lessons to be learned. Serious comments are made in the report about the Civil Service, politicians and the way Government processes work.

Deputy Micheál Martin: And about Fine Gael.

The Taoiseach (Deputy Enda Kenny): Yes, and the Deputy can take it from me that lessons, in so far as they can be learned, will be learned. It is only right and proper that having waited 13 years for this report it deserves serious analysis, which it will get.

Deputy Gerry Adams: It took €150 million and 13 or 14 years to produce this report. The Taoiseach spoke earlier about the gap between government and citizens and between the political class and the people. This report cannot be allowed to gather dust. The Government has

[Deputy Gerry Adams.]

been loud in its rhetoric about the need for political reform, and this is an acute case. A person who does not pay their television licence or an unfortunate woman, crippled by the universal social charge, who steals a loaf of bread or a pint of milk could end up in Mountjoy Prison, yet white collar crime becomes subject to this type of badminton game. Citizens want to know when white collar crime will be dealt with and what the Government will do about these serious issues, which involve public moneys and a public office.

There is no more profound thing than to be elected to represent one's peers. The Taoiseach has been an exemplary representative for a long time and I am aware that he holds that to be a core value. However, we will not narrow the gap if we punish the poor, the working class and those who fall on the wrong side of the law and not take action against those who fleece taxpayers, usurp whatever authority is vested in the Government and who are involved in what is essentially corrupt behaviour.

The Taoiseach (Deputy Enda Kenny): This report will not be allowed to gather dust. It has been published after 13 years and I welcome it. At the appropriate time there will be ample opportunity for the Members of the House to give their views on the report based on their analyses of it. I understand there are between four and six cases before either the High Court or the Supreme Court arising from proceedings leading to the publication of the report.

Government is about all the people and about not leaving people behind. Everybody shares that view. The bridge between government and the people that has been broken down for a long time must be rebuilt and that can only be done in the context of people seeing that the Government is serious and means business in the interests of the people. The Minister for Justice and Law Reform has already commented on white collar crime and I share his intention to have legislation brought before the House in respect of that matter as quickly as possible.

Deputy Finian McGrath: Health is a major issue for this Government and for the vast majority of people. There are huge problems in our health service but today I will focus on cystic fibrosis services, an issue that must be dealt with over the next 12 months. Will improved cystic fibrosis services for all patients, young and old, be a priority for this Government over the next five years? Does the Taoiseach have a plan to resolve this issue? Does he accept that it is totally unfair, unjust and contrary to good medical practice for cystic fibrosis patients in our hospitals to be exposed to cross infection in accident and emergency departments and in wards? Does the Taoiseach accept that this dangerous, nightmare situation must end?

During the general election campaign the Taoiseach gave a personal commitment to cystic fibrosis patients. Will he act on this over the next 100 days? Where does he stand on the core issue of a designated cystic fibrosis unit at St. Vincent's hospital, with *en suite* rooms for all patients? Does he support the provision of a 34-bed unit with such separate rooms? Will the Taoiseach stand up for the delivery of this dedicated unit against elements of the HSE and others, who appear to have an issue with conceding the 34-bed unit in St. Vincent's hospital? Two previous taoisigh and a previous Government gave a commitment to this. Will the Taoiseach ensure it is implemented in full?

Approximately 340 patients use the cystic fibrosis services, and 10% or 34 of them often turn up in hospitals requiring the isolated rooms. Thirty-four beds is the key number required to assist these patients. All the professionals, parents and families concerned are seeking that 34-bed dedicated unit. Will the Taoiseach act to ensure that cystic fibrosis patients go to the top of the political agenda?

The Taoiseach (Deputy Enda Kenny): I am aware of Deputy McGrath's interest in the health area over many years. He has been cogent and articulate in voicing his opinions. I share his view. It is an obscenity that a person should not have treatment provided for them based on their medical need within a reasonable time scale. That is the reason the Government, in its programme for Government, plans to introduce a system of universal health insurance during the lifetime of the Government, to change the ways and the structures in which health services have been delivered.

I have met brothers and sisters of people who have died from cystic fibrosis due to infection of one type or another or due to the required medical treatment and facilities not being made available to them in the way the Deputy and I would expect. I support the proper provision of services for cystic fibrosis sufferers. I do not have all the relevant details with me but I will have the Minister for Health and Children provide the Deputy with an up-to-date report on the situation. Clearly, when we were on that side of the House we made the case for many years about the waste of money in the health service and how money should be redirected to providing proper treatment and services for all patients who need medical attention, although cystic fibrosis is obviously a priority. A state should be able to assist in such provision so people can be provided for in a healthy nation.

I do not disagree with the Deputy's sentiments and I will ask the Minister for Health and Children to send him an up-to-date report on it.

Deputy Finian McGrath: I thank the Taoiseach for his positive response. However, I will judge him on his actions, not his words. How many times is cystic fibrosis mentioned in the programme for Government? Will the Taoiseach establish an accountable structure and centre of excellence for cystic fibrosis patients? The emphasis is on the 34-bed unit. That is the key to dealing with this issue, but there are elements who are hostile to this. With regard to the programme for Government and the principle of medical care being provided on the basis of need, not income — a principle I strongly support — why has a blind five year old girl with cerebral palsy, Hannah May, and six other children had their bridge funding cut by the Department of Health and Children? This money was supposed to support the Jack and Jill Foundation. The foundation needs support to help seriously ill young children. Why is this happening and what will the Taoiseach do about it?

The Taoiseach (Deputy Enda Kenny): The reason is that it is a dysfunctional health service in many ways. For people who are able to get into the service to access care and attention, the doctors, nurses and those who provide front line services do heroic work in trying and difficult circumstances. I was in University College Hospital, Galway, recently and saw at first hand what the staff must contend with and the pressure under which they work. That is the reason this is happening. I am well aware of the wonderful work, care and attention the Jack and Jill Foundation provides. That type of activity deserves support. That is why on many occasions in the past number of years we have spoken about cases where serious money was wasted within the health service. I recall pointing to the famous PPARS debacle, which cost almost €200 million and never functioned properly. That is not the way things should be for young children such as that blind five year old. For that reason we must change the system and its structure and ensure that moneys are channelled in a way whereby such children can receive the best care and attention.

The programme for Government does not go into the detail of referring to cystic fibrosis, cancer, cardiac disease, obesity or other conditions. It refers fundamentally to the dysfunctional elements of our health system which must be changed. In that respect, cystic fibrosis patients

[Deputy Enda Kenny.]

require particular types of facilities and forms of medical attention. I support that. I will ask the Minister for Health and Children to respond to the Deputy in detail about the current situation and his views on this for the future.

Request 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 request under Standing Order 32 from Deputy Ellis.

Deputy Dessie Ellis: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, the need for the Minister of State at the Department of the Environment, Community and Local Government, with special responsibility for housing, Deputy Penrose, urgently to reverse the changes to the income thresholds for social housing applicants contained in the Social Housing Assessment Regulations 2011 which, if implemented, will be devastating for thousands of low-income families who may be removed from housing waiting lists and left in unsuitable accommodation.

An Ceann Comhairle: Having considered the matter raised it is not in order under Standing Order 32. The Deputy should find another way to raise it.

Order of Business

The Taoiseach (Deputy Enda Kenny): It is proposed to take No. 4, statements on the pre-European Council meeting of 24 and 25 March 2011. It is proposed, notwithstanding anything in Standing Orders, that the proceedings in regard to No. 4 shall, if not previously concluded, be brought to a conclusion at 7 p.m. and the following arrangements shall apply: the statement of the Taoiseach and of the main spokespersons for Fianna Fáil, Sinn Féin and the Technical Group, who shall be called upon in that order, shall not exceed 15 minutes; the statements of other Members called upon shall not exceed ten minutes in each case; Members may share time; and a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed ten minutes.

Private Members' business shall be No. 6, motion re corporation tax.

An Ceann Comhairle: Is the proposal for dealing with No. 4 agreed to? Agreed. Does Deputy Adams have a point to raise?

Deputy Gerry Adams: We still have not had any sense of when committees will be established and when legislation the Government has promised will be brought forward——

An Ceann Comhairle: The Deputy is out of order at this point but I will allow him to come back in later. I call Deputy Martin on the Order of Business.

Deputy Micheál Martin: It is important that we have clear commitments from the Government in terms of how the House will deal with the Moriarty tribunal report. I ask that a comprehensive debate on the report be organised by the Whips and that the Dáil be convened next Monday for our exclusive consideration of the report and its conclusions. In addition, a facility should be agreed by the Whips whereby the six Members who sat at the Cabinet table at the time the decision was taken will answer questions in regard to the lead-up to that decision and their perspectives and roles in that regard.

The Taoiseach (Deputy Enda Kenny): I do not propose to recall the Dáil next Monday specifically for a debate on the Moriarty tribunal report. However, when the Whips meet this evening or tomorrow, we can make arrangements for the debate to take place during normal Dáil business next week. As Members know, there are proposals to have the Dáil sit on Fridays. I expect we can accommodate the debate the Deputy has called for so that everybody can have their say next week.

Deputy Micheál Martin: I see emanating from the Taoiseach's comments and his whole demeanour an attempt to downplay the gravity of the Moriarty tribunal report.

(Interruptions).

Deputy Emmet Stagg: Talk about kettle and pot.

An Ceann Comhairle: Deputy Martin should be allowed to continue without interruption.

Deputy Micheál Martin: This has done immense reputational damage to the country in terms of how we do our business.

Deputy Brian Hayes: The Deputy should know all about that.

Deputy Micheál Martin: There are many issues in regard to this report of which the Taoiseach is well aware. It strikes me as odd that he is avoiding any serious consideration of the issue. Moreover, I am somewhat taken aback that he will not be in the House later for private notice questions on this matter. The Taoiseach and his people will have had time to go through the details of the report, much of which, as I said, he is already familiar with given that it took place in public session. He will be particularly aware of the issues pertaining to the pattern of Fine Gael fund-raising and the linkage thereof to the decision to grant this licence. There are many issues to discuss next Tuesday, Wednesday and Thursday, including the outcome of Friday's summit. The debate on the Moriarty tribunal report should take place next Monday.

An Ceann Comhairle: The Taoiseach has suggested that the Whips discuss and come to an agreement on the Deputy's request.

Deputy Micheál Martin: I also ask the Taoiseach to clarify the readiness of those Members who sat around the Cabinet table at that time to answer questions in this House. Will the Taoiseach facilitate such an opportunity on behalf of himself and the colleagues in question?

Deputy Emmet Stagg: The Deputy did not answer too many questions himself.

Deputy Gerry Adams: I have a question on the same matter. I do not want to take issue with the Ceann Comhairle but I was about to make this point when he ruled me out of order earlier.

An Ceann Comhairle: The Deputy jumped to his feet a little early. I was obliged to call on Deputy Martin as the leader of the largest Opposition party to begin questions on the Order of Business.

Deputy Gerry Adams: Go raibh maith agat, a Cheann Comhairle.

An Ceann Comhairle: I try to be fair to everybody.

Deputy Gerry Adams: The point I wished to make is that while I appreciate that the Taoiseach will be attending the European summit, there must be an urgent debate on this

[Deputy Gerry Adams.]

issue. I hope Deputy Martin will be as eager in seeking debate when other tribunals bring forward their reports in the future.

(Interruptions).

Deputy Gerry Adams: I am sure the Taoiseach was sincere in his remarks about narrowing the gap between the people and the Government. The findings of this report will be seen by citizens as a confirmation of their view about how corruption worked in this State. One way of proving it has stopped is to have a full, frank and open debate. Why wait until next Monday? I cannot bring to mind many other jurisdictions where the Government would not table a speedy debate on a report such as this. I ask the Taoiseach to do so.

An Ceann Comhairle: Before calling Deputy Joe Higgins I remind him that he has a private notice question on this issue which will be taken after the Order of Business.

Deputy Joe Higgins: Yes, and I thank the Ceann Comhairle for allowing it. It was a very appropriate decision if I may say so.

An Ceann Comhairle: I do not want the Deputy to have two bites of the cherry.

Deputy Joe Higgins: I wish to speak, as I am entitled to do, about the Order of Business for next week. I am astounded at the lack of seriousness which the Taoiseach has demonstrated so far in dealing with the Moriarty tribunal report. Even humble backbenchers have been able to brief themselves in the last two hours on the very serious import of this report, but the Taoiseach breezes in here and says he does not have a clue. That is incredible given that he has an army of advisers.

Will the Taoiseach desist from minimising the gravity of the report? What arrangements does he propose next week to allow not just statements but a thorough opportunity to question the Ministers who were *in situ* at that time and to ensure they answer for what was a disastrous decision of that Government in privatising the second mobile telephone licence?

The Taoiseach (Deputy Enda Kenny): We have rules and regulations for the ordering and structuring of business. The Whips' meeting will take place tomorrow at 5 p.m. and the arrangements to be made for next week's business will be discussed there. Those who are seeking ample opportunity for discussion, contributions and questions about the report will be facilitated.

I reject Deputy Higgins's comment that the Government will not treat this in any serious fashion. This report deals with the reputation of the Civil Service which has been of outstanding and critical importance to our State since its foundation. It deals with politicians, political parties and with how Government business is done. I also reject the imputation in Deputy Martin's question that there is something to answer by those who sat around the Cabinet table as Ministers at the time. Obviously anyone who sat around that table will have no difficulty in making a contribution to this debate or in answering any questions. I am not here to defend any individual; I am here as elected Taoiseach and we will deal with this report with the seriousness and gravity it deserves. I make the point to Deputy Martin in respect of his comments about the culture of a company at the time, this party never had a tent in Galway and never shepherded people into it on a regular basis for contributions. For those who might say for public benefit that they are astounded, I take that with a grain of salt.

The Whips' meeting will take place at 5 p.m. tomorrow and there will be ample opportunity for all Members to have read the 2,500 page report of the Moriarty tribunal and to make their views known in the House. We will see that happens and we will treat the report with the gravity it deserves. I remind Members that there are between four and six serious cases pending in the High Court or the Supreme Court in respect of this.

Deputy Micheál Martin: Surely the Taoiseach is not suggesting the High Court is leaking information.

An Ceann Comhairle: Will Deputy Martin take his seat?

The Taoiseach (Deputy Enda Kenny): I am certainly not.

Deputy Micheál Martin: This is an extremely serious matter.

An Ceann Comhairle: Private notice questions are coming up and the Deputy has tabled one and can deal with the issue then.

The Taoiseach (Deputy Enda Kenny): No one is attempting to hide anything here, the Deputy can believe me on that, I am merely stating the facts.

Deputy Micheál Martin: The Taoiseach will not be here for the private notice questions.

The Taoiseach (Deputy Enda Kenny): I am stating the fact that between four and six cases are pending in respect of matters dealt with by Moriarty; that is how serious the issue is. I am not suggesting anyone will hide behind that, I am merely making Deputy Martin aware of the fact.

An Ceann Comhairle: I call Deputy Tóibín on a different matter.

Deputy Micheál Martin: On a point of order——

An Ceann Comhairle: It is not a point of order, I have called Deputy Tóibín.

Deputy Micheál Martin: I have not made the point of order yet.

An Ceann Comhairle: This better be a point of order.

Deputy Micheál Martin: This report belongs to the Oireachtas.

An Ceann Comhairle: That is not a point of order. Will the Deputy please take his seat?

Deputy Micheál Martin: There have been attempts to suppress this report. The report is being long-fingered. It is the intention to suppress this report, undermine its findings and the reputation of those involved. I hope the Government will not facilitate the continuance of that.

An Ceann Comhairle: As someone who spent years in Government, I ask Deputy Martin to respect the Chair.

Deputy Micheál Martin: I fully respect the Chair but the House deserves to be respected by the Taoiseach.

Deputy Peadar Tóibín: An tseachtain seo caite, gheall an Taoiseach go mbeadh díospóireacht ann maidir leis an phlean 20 bliain don Ghaeilge. Cathain a bheidh an díospóireacht sin ann?

[Deputy Peadar Tóibín.]

Ba mhaith liom freisin plé a dhéanamh ar an ghearradh siar sa chóras Gaelscolaíochta. Tá athrú ann mar gheall ar dlí a thug an sean-Rialtas isteach agus beidh brú uafásach ar dhaltaí sna Gaelscoileanna agus caithfear múinteoirí sna Gaelscoileanna a ligean as a bpost. Cathain a bheidh díospóireacht faoin ábhar sin ann?

The Taoiseach (Deputy Enda Kenny): I am not sure what Deputy Martin is talking about when he talks about suppressing the publication of the report of the Moriarty tribunal.

Deputy Micheál Martin: There have been attempts made to do that. They were not made by the Taoiseach but he knows what I mean. I was not referring to the Taoiseach and he knows that. There have been numerous attempts to undermine the tribunal and its chairman.

An Ceann Comhairle: Could the Taoiseach please move on to the other issue?

The Taoiseach (Deputy Enda Kenny): On my way to the Cabinet meeting this morning, I was made aware of the publication of the report of the Moriarty tribunal. I am not sure what the Deputy is talking about when he says it is being suppressed.

An Ceann Comhairle: We have moved on to Deputy Tóibín's question.

Deputy Micheál Martin: It is very clear and the Taoiseach knows damn well what I am talking about.

The Taoiseach (Deputy Enda Kenny): Maidir leis an cheist a chur an Teachta Tóibín, labhair mé leis an Phríomh-Aoire faoin ábhar seo agus is dócha gur féidir seo a shocrú nuair a bheidh cruinniú ag na hAoirí. Is féidir nach mbeidh an díospóireacht ann an tseachtain seo chugainn ach tá súil agam go mbeidh sí ann go luath. Tá fadhbanna ann agus tá deacrachtaí ag daltaí faoi chúrsaí Gaeilge, faoi chúrsaí Gaelscolaíochta agus deacreachtaí sna gnáth-scoileanna freisin.

Tá mé féin i bhfeighil an choiste Rialtais faoi chúrsaí Gaeilge. Bhí an t-iar Thaoiseach mar cheannaire ar an gcoiste sin agus bhí cúpla cruinniú ag an gcoiste. Tá suim faoi leith agam san ábhar seo agus cuirfidh mé an coiste Rialtais sin ar bun arís agus cuirfidh mé an tuarascáil a thiocfaidh as os comhair an Tí go luath.

Deputy Richard Boyd Barrett: On the Order of Business for tomorrow, given the grave decision of the United Nations to authorise military action against Libya, and its ramifications for the unstable situation that is developing across north Africa and the Middle East, we should set aside some time to discuss that crisis in the same time allotted for statements on the earthquake and tsunami. We should set some of that time aside to discuss the UN decision to bomb Libya.

The Taoiseach (Deputy Enda Kenny): There has just been a question and answer session to the Tánaiste on the Libyan situation and the decision of the UN Security Council to operate a no-fly zone, taking whatever action needed to implement it and prevent the wilful slaughter of innocent civilians in Libya. I understand there will be an opportunity for statements on the matter on Thursday so the Deputy will be able to give his opinion there. The UN Security Council does not lightly make such resolutions and it is on that basis that leaders across the world are dealing with the unfolding and tragic events in Libya. The Deputy might not have been present when the Tánaiste answered questions today but he will have another opportunity to contribute on Thursday.

An Ceann Comhairle: Before I call anyone else on the Order of Business, I wish to make one thing clear: this is not a free for all question time. The Order of Business is about the taking of business that has been promised, including legislation promised either inside or outside the House, the making of secondary legislation or arrangements for sittings. In fairness, there are 135 Members who are not office holders and a debate is coming up that is limited to two hours. There are also three requests for private notice questions and I want to be fair to everyone. Unless a Member is within the rules set out in Standing Orders, I will not allow a free for all on the Order of Business on any day. I have tried to be fair to people but I ask Members not to abuse the little bit of latitude we give. I am trying to be fair to the entire House. People want to make speeches on the upcoming European Council meeting and I do not see why some Members can monopolise the time available to us. We have only two hours and I want to give time for the private notice questions. I will allow a question for one Deputy from each party and one from an Independent Member provided they stay within the terms of reference for the Order of Business.

Deputy Mary Lou McDonald: The business for tomorrow has not yet been agreed so I suggest we take as a matter of urgent public interest tomorrow the debate on the Moriarty tribunal report. I understand the Taoiseach wishes to long-finger the matter, and I appreciate he has not the chance to read the report in full yet but outside this building, the report and its implications for the political class, not least a previous Government and the Taoiseach's own party, are of immediate and substantial public interest. There can be no excuse for not clearing the decks tomorrow and as a priority allowing for the debate, with opportunities for questions and for former Ministers to make their positions clear, to answer to the House and the democratically elected representatives of the people. I ask that be pursued.

Deputy Dara Calleary: The Minister, Deputy Reilly, stated at the weekend that he was dedicated to the breaking up of the VHI. When can we expect legislation on the reorganisation of the VHI to come before the House?

Deputy Richard Boyd Barrett: I wish to——

An Ceann Comhairle: I ask Deputy Boyd Barrett to remain within the rules.

Deputy Richard Boyd Barrett: I will do so. I was within the rules earlier when I asked about the Order of Business. I welcome what the Taoiseach said in respect of making time available on Thursday for a debate on the situation in Libya. At what time will that debate take place?

Deputy Timmy Dooley: Fine Gael previously published a Bill designed to reduce the number of Ministers of State from 15 to 12. When will that legislation be introduced in the House?

A Deputy: When Dr. Hillery runs.

(Interruptions).

Deputy Joanna Tuffy: The previous Dáil passed an important item of legislation, namely, the Multi-Unit Developments Act. The other part of the jigsaw in this regard involves the legislation relating to the Property Services Regulatory Authority, which will make life easier for those who live in apartments. Will the latter legislation be restored to the Order Paper?

Deputy Pearse Doherty: During the lifetime of the previous Dáil, of which I was a Member, one of the parties now in government produced legislation relating to the filling of casual

[Deputy Pearse Doherty.]

vacancies for membership of this House. Will this be included in the legislative programme that is due to be published in the next couple of weeks? I wish to declare a conflict of interests in this regard. As the Taoiseach is aware, I was obliged to take the previous Administration to the High Court in order to secure a by-election for Donegal South-West. The new Government is continuing with its predecessor's appeal to the Supreme Court in respect of this matter. Members of my legal team have been obliged to present themselves before that court on four different occasions. This is giving rise to a huge cost on the part of the Exchequer, which will ultimately be obliged to foot the bill relating to this matter.

Will a Bill relating to the filling of casual vacancies in this House within a certain period be included in the legislative programme? Perhaps the Taoiseach will indicate if the Government intends to withdraw the appeal to the Supreme Court in respect of a by-election which has already happened in respect of the 30th Dáil, which is no longer in existence.

The Taoiseach (Deputy Enda Kenny): In respect of Deputy McDonald's question, I understand that the business for this week was agreed at the meeting of the Whips which took place last week. Tomorrow morning, Members will obviously have ample opportunity to oppose the business that has been agreed. However, I would like them to have ample time to read the 2,500 pages of the Moriarty tribunal report. There will be much media comment and speculation with regard to this matter. I do not propose to recall the Dáil on Monday. I do, however, propose to advise the Government Chief Whip that, at the meeting to be held at 5 p.m. tomorrow, he and his counterparts from the other parties reach agreement to the effect that an appropriate amount of time be set aside for a debate on the matter next week.

I will ask the Minister for Health, Deputy Reilly, to reply directly to Deputy Calleary in respect of the legislation relating to the VHI.

I must inform Deputy Dooley that the appointment of Ministers of State was already announced and confirmed in the House. The latter are setting about doing their work and performing their respective duties as diligently as possible. I intend to monitor their activities in that regard from time to time.

Deputy Tuffy inquired about legislation relating to the Property Services Regulatory Authority. This legislation has not yet been restored to the legislative list. However, the Minister for the Environment, Community and Local Government is examining the matter and will advise the House of the exact position in the near future.

In the context of the matter raised by Deputy Doherty, it is the principle at issue which is before the Supreme Court. In opposition, I made clear — as did my colleagues in the Labour Party — that a better system of filling casual vacancies to the Dáil must be forthcoming. We will certainly take action in respect of this matter and ensure that a timescale more appropriate than that which obtained in the case of Deputy Doherty — who endured a great deal to get here — will apply in the future. I am sure the Deputy is intent on remaining in the House for a long period.

Deputy Brian Lenihan: When does the Government propose to publish its legislative programme?

The Taoiseach (Deputy Enda Kenny): The full legislative programme will be published in the next ten to 14 days. Ministers have been obliged to return to their Departments to try to discover which of the items of legislation that fell when the previous Government left office should be revised. The Ministers must also decide on the new legislation they wish to bring forward, either as a result of what is contained in the programme for Government or on foot

of other issues which have arisen. Said legislation will appear on the Order Paper as quickly as possible.

Deputy Catherine Murphy: I wish to correct the record in respect of the meeting of the Whips in respect of the Order of Business for this week. No such meeting was held in respect of agreeing the Order of Business.

The Taoiseach (Deputy Enda Kenny): I apologise. The Order of Business was circulated. Obviously, people may not have agreed with what was circulated. Perhaps it was a case of poor circulation. The Deputy will have an opportunity to articulate her concerns in a strong manner at tomorrow's meeting of the Whips.

Private Notice Question

Moriarty Tribunal Report

An Ceann Comhairle: I will call on the Deputies who tabled questions to the Minister for Communications, Energy and Natural Resources in the order in which they submitted their questions to my office.

Deputy Joe Higgins asked the Minister for Communications, Energy and Natural Resources the implications of the Moriarty tribunal report into the awarding of the second mobile phone licence to Esat Digifone in 1996; and if he will make a statement on the matter.

Deputy Caoimhghín Ó Caoláin asked the Minister for Communications, Energy and Natural Resources his response to the findings of the Moriarty tribunal; and if he will make a statement on the matter.

Deputy Micheál Martin asked the Minister for Communications, Energy and Natural Resources his initial response to the report of the Moriarty tribunal, which contains a damning indictment of the process and decision in respect of the largest ever commercial licence issued by any Irish Government; if, during the past fortnight, he has sought any advice concerning the likely impact of critical findings by the tribunal and if he has discussed with the other members of the Government who were party to the decision to award the licence their handling of the issue, including their participation in fund-raising practices that have been held to have been directly linked to promoting the interests of the consortium which was awarded the licence.

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Tribunal of Inquiry (Payments to Messrs Charles Haughey and Michael Lowry) was established on 26 September 1997, on foot of a unanimous resolution of the Oireachtas. Part one of the tribunal's report was published in December 2007 and dealt mainly with payments to Charles J. Haughey. The tribunal has today just concluded part two of its report, which deals with payments to Michael Lowry and covers the granting of the second GSM licence to Esat Digifone Limited. The tribunal's investigation into the circumstances surrounding the second GSM licence has run intermittently over eight years, including on over 120 public sitting days.

The award of the second GSM licence to Esat Digifone Limited by the then Minister for Transport, Energy and Communications in May 1996, was, as it subsequently emerged, the most valuable licence awarded by competitive process in the history of the State. In its report, the tribunal states that what led it to investigate the GSM award decision was evidence of the commencement of the process shortly thereafter whereby payments were made by Mr. Denis

[Deputy Pat Rabbitte.]

O'Brien to Mr. Michael Lowry in clandestine circumstances. It states that the steps taken to effect the initial payment arose less than seven weeks after the licence was granted. The tribunal goes on to set out in very great detail a history of the GSM competition and the relationships between the various parties to that competitive process, including those between Mr. O'Brien and Mr. Lowry. I wish to express my gratitude to the chairman, Mr. Justice Moriarty, for the work his tribunal has undertaken and for the depth of its investigation.

As Deputies are aware, the second report of the Moriarty tribunal relating to the award of the second GSM licence was published today. The report runs to almost 2,000 pages. I have not yet had the opportunity to read the report or take other than cursory advice in respect of it. My Department is reviewing the report. I have not had an opportunity to speak to the Attorney General about its findings. However, my officials and I will consider the report in depth. Some of these findings have implications which go well beyond my Department, dealing as they do with procurement issues generally.

As Deputies are aware, the report contains findings of the upmost gravity in relation to the then Minister for Transport, Energy and Communications. I refer to the report and cite the tribunal. It says that Deputy Lowry displayed an appreciable interest in the substantive process, had irregular interactions with interested parties at its most sensitive stages, sought and received substantive information on emerging trends, made his preferences as between the leading candidates known, conveyed his views on how the financial weakness on Esat Digifone should be countered, brought an untimely guillotine down on the work of the project group and proceeded to bypass consideration by his Cabinet colleagues. He thereby not only influenced, but delivered the result he announced on 25 October 1995, that Esat Digifone had won the evaluation process, which led to the licensing of Esat Digifone on 16 May 1996. The report then states that each of these elements of Deputy Lowry's insidious and pervasive influence on the process will now be addressed.

I note that the tribunal did not make a finding that the licence was incorrectly awarded. I also note that the report, at paragraph 60.37, found that the officials involved in the process had no knowledge at any time of any relationship between the then Minister and Mr. O'Brien.

It was undoubtedly the case that the tribunal's investigations "were personally and professionally discomfiting for those officials, who, through no fault of their own, found themselves at the intersection of an irregular and improper relationship between politics and business, in the persons of Deputy Michael Lowry and Mr. Denis O'Brien, of which they had no knowledge at any time. It is Deputy Lowry and Mr. O'Brien who are at fault, and had either of them seen fit to respond to the tribunal inquiries openly and honestly, those officials would have been spared the spectre of public scrutiny of their actions."

The report would appear to have significant implications for how Government business is done, for the relationship between Ministers and civil servants and for the relationships between Ministers and business. At first glance, for example, there would appear to be immediate implications for procurements procedures.

Given the nature and the range of the report's findings, a whole of Government approach may be necessary. In this context, I will have to consult fully with my colleagues in Government. It is reasonable to presume that the report's findings will lead to consideration of change in how Government and Departments for example make licensing decisions. This will have to take account of the many changes implemented in the period since the award of the second GSM licence. In particular, Deputies will be aware of the range of independent licensing agencies that now operate in the economy and the fact that a new EU procurement framework applies.

The new programme for Government has committed to a number of reforms that would have, had they been in place at the time, obviated many of the conclusions in the report. It is important that Government consideration of the issues arising from the tribunal report be fully informed by an in-depth examination of the issues by the Departments directly involved. In this way we can ensure that the Government response is measured and appropriate in the context of the very serious issues that have been raised by the tribunal.

Deputies should be aware that the award of the licence is the subject of proceedings in the Supreme Court, taken by some of the unsuccessful applicants against the State. The proceedings are being contested by the State. In the circumstances, Deputies will understand that I am somewhat circumscribed in what I can say here today. As I have already stated, I will be taking the advice of the Attorney General in relation to the findings in due course.

Deputy Joe Higgins: The second report on the awarding of the second mobile telephone licence to Esat Digifone found that the Minister with responsibility for communications acted in a way that was disgraceful and insidious and had irregular interaction with interested parties at the most sensitive stages. It found that Deputy Lowry gave substantial information to Mr. Denis O'Brien which was of significant value and assistance to him in securing the licence.

Does the Minister recall that Mr. O'Brien later sold this licence and made a personal profit of £250 million? He should have paid £50 million in the then low corporation tax but he was not obliged to pay because he was a tax exile, courtesy of legislation passed by the Dáil. Does this not amount to shocking corporate and political corruption involving a Government Minister and a leading businessman? Does it not amount to wealth which properly belonged to the Irish people, who owned the licence, being passed to the enrichment of a private individual? Does the Minister agree that, as an initial response, the Criminal Assets Bureau should now seek to recover the £250 million profit made by Mr. O'Brien as a result of a corrupt relationship and restore it to the Irish people for the funding of their services, and so on?

Is the Minister aware that the tribunal found that Mr. Denis O'Brien instigated a donation of \$50,000 to the Fine Gael Party, which the tribunal said was made in a manner which, having regard to its false and misleading documentation, was secretive, utterly lacking in transparency and designed to conceal the fact of such payment by or on behalf of the donors? Does the Minister agree that it is a shocking indictment of the Fine Gael Party to accept such a donation when this individual was to benefit from an enormous enrichment as a result of a licence given to him by a Fine Gael majority Government? What might the implications be for the unsuccessful bidders? How will the information contained in the report affect the liability of the State towards others who may attempt to recover the money they lost as a result of a shadowy deal?

The tribunal says Deputy Lowry deprived Cabinet colleagues of an opportunity to scrutinise and review the result and sought to overreach his own party leader, the then Taoiseach, former Deputy John Bruton, by intimating that Government should have no discretion in the matter. I ask the Minister to recall his own time in Government. He attended Cabinet meetings at that time. Does he agree that the report is a stunning indictment of the workings of that Fine Gael-Labour Party Cabinet? What does he recall from that time and what were his impressions of being manipulated and railroaded by one particular Minister?

Deputy Pat Rabbitte: The Deputy is correct. At first glance, the summary of the report contains serious implications for the way politics is done in this country and particularly for the interaction between politics and business. I am proud that the programme for Government seeks to address these issues in the most comprehensive way ever in the history of this House. It addresses not only the way Ministers interact with civil servants, but also the way they interact with business. The matter of corporate donations is provided for in the report. Of

[Deputy Pat Rabbitte.]

course, a great many changes have taken place since that time in the matter of independent scrutiny of decisions such as this. The establishment of the regulatory system will, I hope, obviate this kind of thing happening again.

One the Deputy's question about political donations, my memory is that Mr. O'Brien made political donations to all of the parties in the House at the time. I certainly recall my own party, the Labour Party, sending it back. It has been the practice in this country for many years that there have been corporate donations. I am happy that legislation will be brought forward by the Government to deal with this issue.

It is not helpful for the Deputy to ask me to speculate on the current position regarding unsuccessful bidders. It is not my job to give comfort to anyone outside the House watching this debate. In any event, like most Deputies, I have not had the opportunity to read the report as I received it at 3 p.m. today following a Government meeting. I need to read the report and take advice before I answer questions about any contemplated litigation or legal procedures that may follow.

Deputy Caoimhghín Ó Caoláin: As this is the Minister's first official duty in his new position, I wish him well. The Taoiseach, Deputy Kenny, indicated earlier that he was not taking this matter because the questions were directed to the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte. For the record of the House, when I first tabled my question, I addressed it to the Taoiseach and subsequently changed it, having been advised that the questions were being taken by the Minister. It is an important point for the record. I would prefer that the Taoiseach had the opportunity to respond to these questions.

Does the Minister, Deputy Rabbitte, accept that his predecessor as Minister with responsibility for communications, Deputy Michael Lowry, abused his position as Minister when he was directly involved in awarding the licence to his favoured candidate, Denis O'Brien, and Esat Digifone? Does he accept the former Minister, Deputy Lowry, abused his position, based on what he now knows the report contains? I accept the Minister, Deputy Rabbitte, has not had the opportunity to study the report in full. Does the Minister acknowledge the great anger that exists given that, following the expenditure of some €150 million of taxpayers' money and the passage of 14 years, we are only now having the full truth properly exposed in this report today? Does he also accept there is a public expectation that this is not where the matter finishes?

The Minister's initial response referred to measured and appropriate action. Will the findings of this report be referred to the Director of Public Prosecutions? Will the Minister, as he indicated earlier, seek a meeting with the Attorney General to address such action and seek her advice and guidance on how the Minister and the Government will proceed in regard to the findings of the Moriarty report? When does the Minister intend to consult the Attorney General on this matter?

There is an absolute need for people to be held to account, and I do not only mean Ministers or Deputies but also citizens who have benefited from any irregularity of this nature and on this scale, which is quite incredible. Against the information released in regard to so-called white-collar crime, we must recognise that the courts of this land had no difficulty sending to jail ordinary decent people who have campaigned to protect their own homes, communities and the natural resources of this land. I refer to the Rossport five. Many others who were coping with real difficulties in their lives were sent to prison for paltry offences and the failure to pay paltry fines. This report must not be an end in itself.

The Minister should also address the issue of Deputy Lowry having repeatedly attacked in vehement terms within and outside this House the Moriarty tribunal and its sole member. Does

the Minister reject Deputy Lowry's attack on the sole member and on the tribunal? What is the Minister's response, as a member of the junior party in the coalition, to the report's criticism of the Fine Gael Party for not revealing the clandestine nature of a \$50,000 donation made by Denis O'Brien after his company won the second mobile phone licence competition? There are serious questions to be answered in that regard also and I would expect that not only the Minister but the junior partner in this coalition would recognise it is very convenient that this report has presented today, just three weeks after a general election when the senior party, which was particularly named in the report, recorded its best performance in all the elections over the entire 14 year duration of the Moriarty tribunal's sittings.

We have heard the Taoiseach's response to the issue of addressing this report in the House. Does the Minister share Opposition Deputies' views that this report should be addressed as quickly as possible by all Members of the House? We can cut to the chase and get to the core of what the sole tribunal member has told us. While it may not require reading all 2,500 pages tonight, we will not be impaired in addressing the critical findings of the report in this House and in doing so as early as possible. Does the Minister believe we should do this with the urgency the matter certainly requires?

Deputy Pat Rabbitte: As the Deputy suggested, I do not intend to get through 2,500 pages tonight. Every single page of the report merits careful reading, however, which, as the Deputy said, will take time. I have defended the tribunal taking as much time as is consistent with its remit as recently as during the recent general election campaign. I deplore any unwarranted attacks on the tribunal but people on all sides of the House have expressed views about this tribunal, other tribunals and the appropriateness of public inquiries under statute that precedes the foundation of the State.

The fact it is 14 years since this tribunal was established is a matter that ought to concern us all. While that is not said without acknowledging that steps were taken along the way which contributed to this delay, it is desirable none the less that in future we should be able to examine such matters in a far speedier fashion than has happened in this case.

I cannot say to the Deputy without studying the report that there is something in it that can be referred to the Director of Public Prosecutions. Some suspected offence would have to lie before that decision could be made. I can commit to the Deputy that, as soon as may be, I will take the advice of the Attorney General in terms of the implications in this regard.

The Deputy raises a difficult question on the matter of how Ministers relate to civil servants. From what I have read the tribunal goes out of its way to make the point it is not unreasonable that civil servants would communicate with their Minister confident in the knowledge their communication would be secure — which is the issue that arises here. An attempt was made to create a process that was ringfenced from the Minister. However, I find it difficult to envisage circumstances where there would not be everyday, casual, informal interaction between senior officials and Ministers. One could regulate out of existence what is, generally speaking, a productive and healthy relationship.

There are commitments in the programme for Government to address this issue. Changes have been made since in terms of the operation of regulators such as ComReg, fencing them off from political intervention of any kind. For that reason I do not envisage this could easily happen again but there will be certain circumstances. In my Department, for example, Spectrum will be auctioned but because of the safeguards taken I do not believe the same is likely to happen. However, the Deputy has raised an uneasy question about that relationship. In fairness, it is important to say that Mr. Justice Moriarty does not say the decision was incorrect. He does not make that claim but instead points out that the seal of confidentiality on the process was breached.

Deputy Micheál Martin: It is deeply disappointing the Taoiseach did not take questions on this matter. I accept what the Minister, Deputy Rabbitte, said regarding this issue deserving a whole-Government response. For reasons outlined in my question I believe the Taoiseach should have answered questions before the House at this time in regard to the report, particularly those aspects relating to the pattern of Fine Gael fundraising at the time of the awarding of this licence. This must be done and the report must be sent to the Director of Public Prosecutions. Apart from the Esat issue and the awarding of the licence, the tribunal refers, for example, to a rent deal at the time between Mr. Ben Dunne and the then Minister, Deputy Lowry, as being corrupt. That in itself raises serious concerns.

The part of the report I have read states that it is beyond doubt that Deputy Lowry, as Minister at the time, imparted substantive information to Mr. Denis O'Brien which was "of significant value and assistance to him in securing the licence". At very best that is improper and highly irregular. Serious consideration of this point demands that the report be sent to the Director of Public Prosecutions. Let us be clear — this was the largest licence awarded by the State at the time, as the Minister, Deputy Rabbitte, noted. We must pursue whatever wrongdoing occurred in order to restore a reputation which has been damaged in regard to how we in this country award licences.

I asked for a full debate on this and the reason I suggested next Monday was to give people a reasonable timeframe within which to read the entire report. I again ask the Minister if he would agree to a full debate on the report and its findings on that day. I also ask the Minister how he would account for the then Government's failures on this issue, as to both the process and the actual decision. Does he accept there were serious failures on the part of the then rainbow Government? Should the Taoiseach apologise for those failures and the role of that Government in terms of this most unedifying spectacle? The report states that at best the then Minister, Deputy Lowry, essentially bypassed the consideration of his Cabinet colleagues and thereby not only influenced but delivered the result whereby Esat Digifone won the evaluation process which led ultimately to the licensing award. The question begs to be asked: What were the other experienced Ministers doing when this came before the Cabinet? When the issue of the licence came to the Cabinet table did people look at it in considerable detail or did they merely allow the Minister, Deputy Lowry, to run roughshod over them? The Minister, Deputy Rabbitte, was at the table. Deputy Higgins asked what were the Minister's recollections of what happened at that time. There is reference in the report to the then Taoiseach, John Bruton, being misled by the Minister, Deputy Lowry, in this regard. One does not want to come to immediate conclusions but the then rainbow Ministers were either fools or knaves if they allowed the Minister, Deputy Lowry, to run roughshod over them on this issue.

The Minister made reference to the relationship between business and politics and the report is very disturbing in terms of the pattern of fundraising that went on in the Fine Gael Party at the time and the degree to which Mr. Denis O'Brien, in particular, according to the report, deliberately and conspicuously raised his profile within that party and had meetings. For example, he had a meeting at Fine Gael headquarters in February 1995 in order to become acquainted with the then Minister, Deputy Lowry. I believe he also met the present Taoiseach, Deputy Kenny, at around the same time. Clearly, he was endeavouring to influence key decision makers within the party, including the current Taoiseach, who was a senior Minister, the Minister, Deputy Lowry, and other Fine Gael Ministers.

There is a clear pattern between 1995 and 1996 of donations to the Fine Gael Party over and above those made by any other company or consortia involved in bidding for this licence. Does the Minister, Deputy Rabbitte, find particularly disturbing the confluence or coincidence of the increased pattern of donations to Fine Gael in or around the lead up to the awarding of the licence and the actual licensing? I am glad the Taoiseach is present in the Chamber. I

would argue he has very good reason, apart altogether from the Government issues, to address the Fine Gael issues. Concerning, for example, the then general secretary of Fine Gael, Mr. Tom Curran, and the non-disclosure of the Telenor cheque the findings are significant in terms of the lack of co-operation with the tribunal. Mr. Curran said at the time it would have been “politically disastrous” to report the donation to the Moriarty tribunal and he feared that if the donation was revealed the connection might be made between Fine Gael and the granting of a mobile telephone licence to Esat Digifone.

It is extremely disturbing. That linkage between fundraising donations and the awarding of the licence really comes through the report. One is led——

An Ceann Comhairle: I ask the Deputy to allow the Minister to reply.

Deputy Micheál Martin: ——to the conclusion that something stinks to the highest heaven when one reads that aspect of the report. The Taoiseach needs to address that quickly and transparently. At the time it was reported that the Fine Gael Party cleared all its debts during the 1994-1995 period in Government and had a very aggressive fundraising campaign. The spotlight has been off that matter for the past few years. I heard the Minister’s reply regarding corporate donations.

An Ceann Comhairle: Is there a question?

Deputy Micheál Martin: When will the corporate donations Bill be introduced? The last Government had it in train but Fine Gael continued to oppose it until the eve of the election because it was busily raising funds on a continuing basis.

An Ceann Comhairle: Thank you.

Deputy Micheál Martin: These are fundamental issues that must be teased out further. This report belongs to the House, which initiated it.

An Ceann Comhairle: I am sorry to interrupt the Deputy——

Deputy Micheál Martin: I hope the Minister does not suggest, as the Taoiseach did six times today, that because people will bring actions to the Supreme Court to try to bury the Moriarty tribunal that we will be constrained or that such attempts will prevent or restrain the House from debating in detail the findings of the report.

Deputy Pat Rabbitte: As to whether the Taoiseach should have answered questions, he had even less time than I had, namely, half an hour to glance at the report. It would have been very difficult to answer questions. If Deputy Martin wants a full debate in the House I have no difficulty with that. He should take the matter up with the Whips.

My only reservation relates to contemplated legal action and I am sorry the Deputy seems to be dismissive of this. I do not know whether such action will proceed but it behoves us all in the House to be careful. It is not our task to become embroiled in that. Having read the report I believe it should be referred to the Director of Public Prosecutions, as does Deputy Martin, and that is not a difficulty.

In regard to the conduct of the rainbow coalition Government, a process was put in place in accordance with the very best practice known across Europe. It was hermetically sealed and nobody around the table of that Cabinet had any knowledge other than that the best practice process worked and produced a result. The author of the report indicates he was not happy that it was ring-fenced from the Minister in question but as far as the Government of the time

[Deputy Pat Rabbitte.]

was concerned, everything had been done according to best advice. The project team and the consultants employed followed best practice as far as we were aware.

I agree with Deputy Martin that this raises serious issues about the traditional connection between politics and business. The words “pot” and “kettle” occur when I hear the Deputy’s party so concerned about what has happened. It has been argued that Fine Gael delayed legislation to address this issue of corporate donations but it strikes me that this is exactly what was done with former Deputy Gormley and the Green Party.

I take the substantive point, which is serious. For example, I raced through the conclusions of the report and Mr. Justice Moriarty raises the point. He states:

What accordingly transpired was that, in separate Governments of entirely different political composition, it was possible for Mr. Haughey and Mr. Lowry in succession to show favour to wealthy or prominent individuals, and in recompense obtain payments or other benefits, in each instance bringing improper influence to bear on public servants for the end as sought. The duration and seniority of ministerial office held by Mr. Lowry was far below that referable to Mr. Haughey. Such improper benefits and payments as have been shown, in the case of this and the McCracken Tribunal, to have accrued to Mr. Lowry never reached the monetary scale or degree of fruition obtained by Mr. Haughey.

The Deputy is correct in pointing to a substantive issue in the context of the nexus between business and politics and I sincerely hope the programme for Government and schedule it has set out to deal with this will have all-party support in the House.

I presume there are still people in the House — as there certainly were in the past — who argued that the alternative was to fund politics from the public purse and threw their hands up in alarm as if this was something which could not be contemplated. It seems that the Moriarty tribunal report is another nail in the coffin of that kind of defence. As the Deputy has said, we must ensure the conduct of politics where it necessarily interacts with business. The Deputy understands that it is unavoidable that there should be some contact but for that reason it is all the more compelling that we seek to address the issue. I am happy the programme for Government does that in the most imaginative and thoughtful way that has yet come before the House.

Deputy Richard Boyd Barrett: I wish to ask a supplementary question.

An Ceann Comhairle: That completes the private notice questions. Everybody who tabled a question has had a fair run.

Deputy Richard Boyd Barrett: I am only looking for 30 seconds.

Deputy Micheál Martin: What about supplementaries?

Deputy Richard Boyd Barrett: I will just be a few seconds.

An Ceann Comhairle: We are moving on.

European Council Meeting: Statements

An Ceann Comhairle: There will be an hour and a quarter of debate, an hour of which will be taken up by the main spokespersons.

The Taoiseach: Our relations with our European partners and our standing in Europe are of vital importance to our national recovery. This Government will work in a co-ordinated and

concerted way to see that they are improved. We also need to improve the standing of the European Union at home. In particular, the Government wants to see a step change in how European business is conducted in the Oireachtas. In our programme for Government we have set out a number of important initiatives in that regard.

As the elected representatives of the people, the Oireachtas must engage seriously with the passage of EU legislation if that law is to have the legitimacy it deserves in the eyes of our people. It must also play an enhanced role in holding the Government to account for the positions it takes and the decisions it makes at EU level. I have, therefore, committed myself to providing briefings prior to attending regular meetings of the European Council, and I am pleased to do so now.

As the House will be aware, the European Council is due to meet on Thursday and Friday of this week and I will represent the Government at those meetings. As the House will also be aware, I attended meetings of both the European Council and of the heads of state or government of the euro area in Brussels on 11 March. As these were important meetings for Ireland and for Europe, and as they laid much of the groundwork for what lies ahead, I thought it might be helpful to say a little about what happened then before looking forward to the Council meeting at the end of the week.

The meeting of the European Council on 11 March was an extraordinary one, convened to discuss developments in Libya and the southern Mediterranean region and to set the political direction and priorities for future EU policy and action. We saluted the courage of the people of the region and called for accelerated political and economic reform. In particular, we welcomed developments in Tunisia, including the announcement that elections will take place on 24 July, and we expressed our support for the democratic transition in Egypt. At the time of the meeting, the position in Libya was already a cause of grave concern. In calling for the immediate departure of Colonel Gaddafi, the European Council expressed strong solidarity with the people of Libya, condemned their violent repression and called on all parties to allow access for humanitarian assistance. Matters have clearly moved on considerably in the period since 11 March and the matter will arise for discussion again when the European Council meets this week, a point to which I shall return later in my statement.

Discussions among member states within the euro area normally take place at the level of Finance Ministers. Meetings at Head of State or government level are rare and in the past have been convened only when the most serious issues are in play. The meeting on 11 March was, therefore, a relatively unusual occurrence. As this was my first meeting as Taoiseach with my euro area colleagues, I took the opportunity to let them know that this Government is committed to a fresh approach to our relations with the EU and we want Ireland to be a respected and influential member of the European family. I told them of the strength of our mandate, briefed them on the severe economic challenges Ireland faces and the pain that this had meant for the Irish people. I reiterated our commitment to achieving a 3% deficit rate by the end of 2015, in keeping with the EU and IMF programme, and I stressed the importance of getting Ireland back on to a sustainable track. I emphasised the necessity of a lower interest rate in this regard.

I also briefed the meeting on the position in our banks, noting the stress tests currently under way, and I said that we should have firm figures by the end of the month. The meeting was an important stepping stone towards the meeting of the European Council that will take place later this week, where it is hoped to adopt a comprehensive package of measures to address the economic challenges facing Europe. It endorsed what has been termed a “pact for the euro”, aimed at fostering competitiveness and employment, and at contributing to the sus-

[The Taoiseach.]

tainability of public finances and to restoring financial stability. This will now be presented to the European Council at this week's meeting.

Progress being made by Ireland and Greece in implementing their respective EU and IMF programmes was welcomed. Greece undertook to complete a €50 billion programme of privatisation speedily and to introduce a strict and stable fiscal framework. For our part, Ireland reiterated our intention to introduce a fiscal framework, with the strongest possible legal basis, and to stick to fiscal targets.

The meeting also invited Ministers for Finance to complete work on the European Stability Mechanism, ESM, and European Financial Stability Facility, EFSF, in time for the European Council this week. It was agreed that the ESM should have an overall effective lending rate of €500 billion and that, until the entry into force of the ESM, the agreed lending capacity of €440 billion will be made fully effective.

It was also agreed that, to maximise the cost efficiency of the support offered under the ESM and EFSF, they may also intervene in primary debt markets in the context of a programme with strict conditionality. Importantly from Ireland's perspective, it was agreed in principle that the pricing of the EFSF should be lowered to better take into account the debt sustainability of recipient countries. Greece, which does not receive its loans from the EFSF, received a 1% reduction in the interest rate it pays for European Union moneys. It also had the maturity for all loans it receives increased to 7.5 years.

As the House will be aware, in what were at times difficult exchanges it was not possible to find an agreed basis on which to secure a reduction for Ireland. As has been widely reported, some partners were seeking a commitment from Ireland in the area of corporation tax which I was not prepared to enter into or cede. Discussions are ongoing and I will continue to press Ireland's case. I am convinced that with goodwill on all sides it will be possible to find an agreed basis on which to move forward. I do not, however, wish to enter into the detail of ongoing negotiations, as I am sure the House will understand and appreciate.

The meeting of the European Council this week will be an important one for the European Union. As the House will be aware, for some time the EU has been working hard to respond to the economic crisis it has faced. Some have criticised it for adopting a piecemeal approach. Therefore, when we meet later this week the European Council will adopt a wide range of measures — a full and comprehensive package designed to lay the ground for sustainable and job creating growth. As part of this effort, the European Council is expected to endorse the first set of priorities for fiscal consolidation and structural reform under the new European semester. These were identified by the Council on the basis of the Commission's annual growth survey.

Priority is to be given to restoring sound budgets, reducing unemployment through labour market reforms and making new efforts to front-load growth patterns. Member states will be expected to translate these priorities into concrete measures as part of their stability or convergence programmes and national reform programmes which are to be submitted next month. In Ireland's case an extensive range of such measures is already committed to in our EU-IMF programme.

Actions at EU level also have a role to play in restoring growth and job creation. In particular, the Single Market, if operating well, offers great potential. I hope reforms under the Single Market Act, which the Commission intends to publish shortly, will make a real contribution. Now that the "pact for the euro" has been endorsed by those member states whose currency is the euro, it will be submitted to the European Council, at which other non-euro

area member states may indicate a wish to participate. If it is to have impact, the pact must translate into concrete actions. Participating member states will, therefore, be expected to move rapidly to identify steps which they can commit themselves to achieving within the next 12 months.

The European Council is also expected to welcome progress on the package of six legislative measures — to ensure fiscal discipline and to avoid macroeconomic imbalances — which is currently being progressed within the legislative process. The package includes the reform of the Stability and Growth Pact to enhance surveillance of fiscal policies and apply enforcement measures earlier and more consistently. It is intended that work on these measures will be completed by June of this year.

I expect the European Council will also take note of the importance of the banking stress tests being carried out by the European Banking Authority and other relevant authorities. This is a separate exercise from the testing of Irish banks currently under way. The results of the European exercise are not expected to be known until the early summer. However, it is intended that member states will have prepared strategies for the restructuring of vulnerable institutions and provision of government support in case of need before the results are published.

As Deputies will be aware, the results of the stress tests on Irish banks are due at the end of this month. Once they are available, the Government will elaborate a comprehensive response, including in consultation with the European Union.

The European Council is also expected to adopt the final wording for a change to the Treaty on the Functioning of the European Union to provide a foundation in law for the new European Stability Mechanism. The change was proposed by the European Council in December and has been progressed under the simplified treaty revision procedure. Once adopted, it will be for all member states to ratify the change in keeping with their respective constitutional requirements. The draft wording was examined by the previous Government and Attorney General and the view was taken that it did not have implications for our Constitution, *Bunreacht na hÉireann*, and, therefore, a referendum was not required to enable Ireland to ratify. We will examine the final wording carefully before deciding the best and most appropriate way to proceed.

The European Council will also take stock of international developments, particularly the unfolding situation in Libya. While European Union member states are contributing in different ways to resolving the crisis, we are determined to act collectively and resolutely. The people of Libya deserve an agreed and a democratic future. The regime of Colonel Gaddafi, which has a long and vicious record of violence against those who oppose it, has neither the agreement nor democratic endorsement of the Libyan people. Colonel Gaddafi should order an immediate and genuine cessation of his military offensive. It is now clear that he and his family should surrender power and allow the Libyan people to peacefully determine their own shared future.

I expect the European Council will work to increase the pressure on and international isolation of the Gaddafi regime by adopting further EU sanctions against Libya in implementation of UN Security Council Resolution 1973. I also expect a thorough discussion of the wider region and to hear from High Representative Ashton on her ongoing high level contacts with the countries of the region, including Egypt and Tunisia. High Representative Ashton also gave a detailed briefing to the meeting of eurozone leaders in Brussels.

The situation in Japan following the earthquake and devastating tsunami on 11 March will also arise. The focus of deliberations will be on the European Union's emergency and humanitarian response to date and the provision of additional assistance, if requested; the ongoing

[The Taoiseach.]

nuclear situation and the lessons Europe can draw from events in Japan; and the need to closely monitor the economic and financial consequences for the world economy.

At the meeting of the General Affairs Council on Monday, Ministers received an update on the EU response to the humanitarian emergency from EU Commissioner Georgieva. Ireland has provided €1 million in emergency funding for the Red Cross relief operation in Japan and made available blankets, mattresses and water tanks from our stockpiles of these items. This morning I signed a book of condolences at the Japanese Embassy and had a discussion with the Japanese ambassador who expressed strong appreciation of the contribution made by Irish people to the distress of people in Japan. The ambassador and I also discussed the ongoing difficulties with nuclear reactors. It is difficult to comprehend the scale of the tragedy unfolding in Japan. The ambassador pointed out that the recent tsunami was the equivalent of a three storey wave coming ashore over 500 miles of coastline. The emergency services in Japan have responded in the best way possible.

The issues before the European Council this week are important ones. Clearly, Ireland will support measures that can contribute to a restoration of confidence in the markets, foster economic growth and job creation and help Europe move beyond the economic crisis. While I will continue my efforts to secure a better deal for Ireland, including in regard to the interest rates attaching to our loans and in respect of the situation in our banks, I cannot yet say how much progress will be made this week as the final figures from the banking stress tests are not yet available. I assure the House that I will continue to fight on behalf of the Irish people and to do everything in my power to protect and defend our country's interests. I know I will have the support of the House in doing so.

Deputy Micheál Martin: During the past decade the formal meetings of Heads of State and Government at the European Council have involved significantly less substantive negotiations. The formal agenda has become more focused on simply putting through matters decided in preparatory meetings, with the final communiqué issued frequently almost exactly as drafted before Council met. There have been times when the difference between the media hype outside the Council and what goes on inside has bordered on the ridiculous.

This week's meeting looks like it will be significantly different. Substantive issues remain to be decided and the outcome will give a major signal as to the future direction of the Union. The outcome of the Council is important for Ireland but it is not about Ireland. Fundamentally, this meeting is about whether the spirit of solidarity remains at the heart of Union and whether the Union is capable of responding in a comprehensive and credible way to what has been rightly described as the first crisis of globalisation.

This Council represents the culmination of three years of ongoing discussions about the role and responsibility of the Union in tackling the economic crisis which continues to impact on large parts of the Union. Even the most euro-positive person must accept that the Union's response has been at best halting and faltering. The crisis has been unique and so there has been no easy blueprint to follow. All too frequently there has been a sense that the driving agenda has been not to find solutions to the problems of today but rather to try to push forward long-standing national policies.

At this week's Council there will be a clear choice before member states. They can recognise the collective benefit which comes from giving sustainable support to countries experiencing difficulties or they can fail to act and thereby risk the sustainability of the euro and a rising tide of euroscepticism in many countries, which would be destructive of the foundation of public support vital for the Union. The stakes are as high as they have been at a Council

meeting for many years. Given this and the work done in recent months, I believe there can and will be a good outcome to the meeting.

One of the most dishonest parts of the debate as it has evolved is the idea that the problems facing Europe today are as a result of the wild periphery being allowed to act without the adult supervision of others. Under this view the problems are uniquely contained within the policies of the member countries and would have been avoided if the views of the centre had been listened to. Unfortunately, this is a superficial stereotype deployed in the pursuit of narrow electoral and broad political advantage. It is an argument which at its core is a cop-out, removing the necessity to look at many parts of the crisis as it has evolved, in particular here, in Portugal and Spain. It is also what creates the idea that countries seeking assistance need to pay a price for the assistance.

The European Commission and the Council took a clear view of the Irish economy in the years before the crisis and published regular commentaries and recommendations. In 2006, the Commission stated, and the Council agreed, that Ireland's "budgetary position is sound and the budgetary strategy provides a good example of fiscal policies in compliance with the Stability and Growth Pact". In 2007, the Commission stated, and the Council again agreed, that not only were things okay here but we provided a "good example of fiscal policies conducted in compliance with the pact".

Equally, as written in recent weeks by former Taoiseach, John Bruton, it is not credible to look at what happened and to miss the failures of European Central Bank, ECB, regulation. The rights of oversight and ability to act were in place and to write them out of the story avoids asking uncomfortable questions of the ECB and risks the possibility that these serious failings will remain unrecognised and unchallenged.

Every country has legitimate domestic concerns which must be understood in the context of the debate on the financial stability facility. Where the danger lies is in inflaming these concerns with damaging rhetoric about teaching lessons to other countries. This sets up the false opposites of the national interest versus the collective interest, something which only ever undermines the capacity for collective action.

As the House knows, the terms under which Ireland agreed a support programme under the European Financial Stability Facility were set out for all countries in a series of meetings in the early and middle parts of last year. They were not subject to negotiation because no negotiation was or is possible for an individual country. I know that there are those who would like to present it as a new phenomenon but from a point soon after the support programme was agreed, Ireland has been seeking to have the EFSF's conditions changed. It has been argued to our colleagues in the Union that the interest rate is simply too high and undermines the ability of the programme to achieve its core objective of helping our economy to recover. At the start of the process quite a few countries did not accept that the terms of the facility should be changed. As the discussions progressed, this changed to the point whereby a few weeks before the general election all countries signalled that they accept that this is not about whether the facility's terms should be changed but rather how they should be changed. This was a welcome development.

The recent eurozone summit had never been intended as the place to reach the final deal and the offer of a rate cut in return for abandoning our corporation tax policies was in no way a serious attempt to reach an agreement. The countries involved in this attempt to force the issue had repeatedly and strongly been turned down by the previous Irish Government and foolishly hoped that they could push something through.

The argument which the Taoiseach had with President Sarkozy was an exact rerun of an argument which former Taoiseach and Deputy Brian Cowen had with him earlier this year.

[Deputy Micheál Martin.]

Ireland's Government has changed but its negotiating position has not for the simple reason that it cannot. A deal on the support programme is worthless if to win it we would have to undermine a major proportion of economic activity in the country. We will have more time to debate corporation tax later when the Dáil will have the opportunity to give a strong endorsement to current policy.

I believe there will be a deal on Friday and that it will restructure the facility and reduce the interest rates to be charged to Ireland and anyone who subsequently accesses the facility. This is the clear implication of the statements of other countries in recent months. It will happen because it is in everyone's interests for it to happen. Ireland can be quite clear at the Council in saying that it has fulfilled its responsibilities. The scale and pace of fiscal retrenchment is unquestioned. In return for support and in light of our common interests with other eurozone countries, Ireland has accepted very significant constraints on its policy options in relation to the financial system. We have not acted unilaterally. So when we hear the statement that in return for a deal, Ireland must give up something, the answer has to be that we are giving up many things already. Instead of obsessing about non-relevant issues, what others should now face up to is whether they really want not just Ireland, but Portugal and Spain to be restored within a secure euro. Attempts to exploit the current situation to push other points are both cynical and damaging. It is a classic case of marginal issues being mishandled so that they become more important than they are, with domestic opinion being inflamed to no possible positive end.

Chancellor Merkel is a person of considerable abilities and undoubted commitment to the founding ideals of the Union. The nature of the German system means that she and her party face an almost continuous round of important elections and as we saw here last month, she pays close attention to elections. However, that particular electoral photo-opportunity does not appear to have had any particular impact on her views. What has been missing from Germany and France in recent times has been the type of instinctive understanding of the need for a balance between centre and periphery which was a hallmark of their past leaders. Those who constructed the engine of integration and progress from the mid-1980s onwards would not have become almost fixated on the policies of a small nation when the future of monetary union is at stake.

What should happen at the Council meeting, and I believe will happen, is that there will be a balanced agreement. The facility will be made more flexible and less onerous, benefitting Ireland and, just as important, ensuring it is of more credible assistance to Portugal and Spain should it be required.

It is reasonable that there be a specific response to the failures of fiscal policy here and elsewhere in the eurozone. The agreement of new fiscal rules to be introduced on a national level would not only be acceptable but would be welcome. A fiscal responsibility law which would give a stronger basis to the planning, agreement and oversight of fiscal policy is one part of it. There are also measures to which we could reasonably commit about limiting the scope for agreeing spending outside of the Estimates or a so-called pay-go system which requires the matching of costs and income for new initiatives. There will be no one-size-fits-all approach available because of the different constitutional systems operating in member states. However, Ireland can offer a detailed and credible plan which addresses the demand that fiscal policy should be more sustainable.

It may be tempting for the new Government to focus only on our domestic issues at the Council meeting. To do so would be a mistake. Ireland's international position and influence is real and significant and was hard won. Despite our current and temporary problems, we have a wider responsibility as a positive and progressive modern nation in the wider world.

In this context, specifically with regard to the situation in Libya, the Council should express its strong support for the principles of democracy and human rights to be respected. The recent action in support of the democratic aspirations of the Libyan people is welcome and, it is hoped, not too late. The early support for the no-fly zone strategy which has come from the Arab League is surprising but encouraging. Ireland should show these countries that when they take a principled stand, they can rely on the support of small but principled countries throughout the world.

I note with some disappointment that our new Tánaiste and Minister for Foreign Affairs has been quite slow to take a strong stand in support of the action to halt this violence against the Libyan people. As a nation, we know only too well the effects of Colonel Gaddafi's willingness to use arms and explosives on innocent civilians. Why has the Minister, Deputy Gilmore, not taken the opportunity to express strongly Ireland's solidarity with the innocent civilians of Libya and support for the action to halt this slaughter? Now is the time to re-examine the issue of Gaddafi's role in the conflict in the North of Ireland and to establish once and for all the extent to which this man and his regime contributed to the suffering experienced by so many in these islands over the decades of conflict which we suffered. Now is the time to examine what intelligence material from the various security agencies can be published. Now may also be time for the wider provisional movement to look to their own records and, in the spirit of the Eames Bradley process and following on from the work done in helping to find the bodies of the disappeared, assist in establishing the extent to which Gaddafi and Libya contributed weaponry, finance and other assistance.

This weekend's referendum in Egypt showed that the Arab world's largest country is moving forward and there are equally hopeful signs in Tunisia. There is a need for the largest club of democracies in the world, the European Union, to be active and generous in supporting democracy, human rights and development in these countries.

People throughout Europe who believe in the ideals of the Union are looking to member states to agree credible and generous measures at this European Council meeting to help to get Europe and the euro through this crisis. These include measures which help individual countries to recover, protect the common currency and reinforce the vision of a Europe of shared interests.

The price of failure is also significant. It would mark an encouragement of euroscepticism and promote the idea that narrowly defined national interests should prevail. At the same time it would suggest to peripheral countries that the views of the strong centre must prevail. Now, more than ever, the European ideal can offer the best hope for our country and the people of Europe as a whole. However, Europe must actively choose this path. Its leaders must remember the principles upon which the Union was founded and they must take this opportunity to remind the people of Europe why they supported the Union in the past and why it deserves the continued support of citizens.

The outlines of a deal have been clear for months. There has been significant movement in the right direction from almost all countries. It is vital, therefore, the new Government holds the line that was established by the last Government, does not allow any fudge on any element of our corporation tax policy and ensures the principles upon which the European Union was established and upon which the country's support for Europe is based are protected and maintained.

Deputy Pádraig Mac Lochlainn: I wish to share the final five minutes of my time with Deputy McDonald. Looking forward to this week's European Union summit, we hear the word "co-operation" bandied about. Co-operation is defined by the Oxford English Dictionary as the action or process of working together to the same end. To intimidate means to frighten or

[Deputy Pádraig Mac Lochlainn.]

overawe, especially to make another do what one wants. There is a world of difference between co-operation and intimidation. One outcome of the meeting of European leaders last week was that Greece secured a lower interest rate on its borrowings. What was the cost? It had to agree to sell €50 billion of state assets. When the Greek economy is gutted completely, when all vehicles of growth have been auctioned off, when there is no mechanism to begin paying back these extortionate loans, what will a difference of 100 basis points amount to?

When Ireland went cap in hand to get a reduction, we were told “No”. Angela Merkel said that it was simply fair to say they could only give a commitment when they got something in return. However, Germany and France continue to get something every time we put another €1 billion of taxpayers’ money into our banks in order that German and French banks do not take a hit. They get something with each budget when billions of euro is taken out of ordinary people’s pockets in order that the Government can adhere to the strict terms and conditions imposed by the EU. They get something each time the prospect of burden sharing is taken off the table.

At this week’s meeting, the pact for the euro will be converted into a binding agreement for euro area countries, representing a deep European penetration into national political and policy freedoms without any genuine democratic mandate. The effective lending capacity of the European rescue funds will be bumped up to meet the original goal of €500 billion through higher guarantees and injections of capital, although the precise mix and timing have yet to be spelt out. It will concentrate on actions where competence lies with the member states, constraining somewhat their autonomy to set policy by way of an annual system of setting common targets and national commitments, reporting and evaluation by the Commission and Council. It stipulates that all eurozone countries should put into law a pledge to get a grip on public debt. There are no provisions for compulsion or sanctions on member states. The reliance is on peer pressure. Only those seeking the support of the European Financial Stability Facility, EFSF, and European Stability Mechanism, ESM, will be forced to make policy changes. How can this be co-operation? An IMF-type institution will be established for Europe, the lending of which will be senior to that of private sector bondholders and which will be able to impose restructuring agreements and haircuts. As with all mention of burden sharing in Europe, however, this will only take place after 2013. Is the pact aimed at the right problems? No. How can it be when the German Chancellor is facing into an electoral challenge this week?

One cause of market turmoil is fear of contagion because of the fragility of Europe’s banks. However, any sensible debate about restructuring debt in the near term has been completely blocked although, confusingly, Germany insists that bondholders must bear more of the burden in future. The European Commission and French and German Governments’ hard-line position on private debt restructuring in the future, whether in the form of haircuts for bondholders or debt-for-bank-equity swaps, merely rubs salt into the wounds of the people.

The Government must inform the people of the measures it intends to pledge to implement this week under the pact for the next year. It must outline the concrete commitments to be achieved in the next 12 months in the name of the people. What is it bringing to the table this week? The people also deserve to know when the timetable for the gradual paying in of capital to the new fund will be established. How much capital must the people put into this fund in order that we may get it out at a later date as a loan at some extortionate interest rate? These are the small details of this pact which escape public attention. We will be paying into a fund that we will most likely access at a later date at a high rate of interest. It is like a burglar robbing one’s home and then charging one to take away the loot.

One of the most pressing issues in this pact relates to the European Stability Mechanism whereby any decision to provide assistance will be taken by unanimity on the basis of a debt

sustainability analysis of the member state concerned conducted by the Commission and the IMF in liaison with the European Central Bank. Where was this debt sustainability analysis before Ireland drew down the crippling EU IMF loan? Will there be such an analysis? These are the questions our Government must ask and these are the things for which this Government must fight.

The dogs on the street know that the current debt burden is unsustainable. The world and its mother knows that there is no way the people will be able to support bondholders of German and French banks indefinitely while dealing with packages of income cuts, public service decimation and taxes on everything bar the wealth of the State.

During the election the Taoiseach stated there would be burden sharing. He said that no longer would the people carry the debts of private banks on their backs. He said Irish sovereign default was becoming closer to reality because of the strangulation of private debt. Sinn Féin has always said as much. Ours was the only party which rejected the bailout on that basis. Ours was the only party that did not suggest renegotiating the interest rate when in reality the whole deal was rotten. Ours was the only party which held that the people could not afford the terms and conditions of the bailout. Unfortunately, we were right. Unemployment is at a record high of 14.7%. An increasing number of people are making the decision on whether they can afford to feed their families or pay their mortgage. Some 1,000 people are emigrating every week.

The choice is clear. Will the Taoiseach stand up for Ireland and challenge head on the blatant injustice of the EU-IMF package or will he repeat the disastrous policies of the last Government, which amounted to a betrayal of the Irish people? For all our sakes, I hope he makes the right decision.

Deputy Mary Lou McDonald: There was a time when the term “eurosclerosis” was in vogue, but it seems to have gone out of fashion recently. The pace with which European institutions have responded to the crisis, not just in this State, but across the Union, has been sclerotic. Having been slow to react, the nature of the reaction is not only questionable, but destructive.

I will focus most of my remarks on the pact for the euro that will be presented at the Council meeting. The objectives set out for the pact are to foster competitiveness and employment, to contribute further to the sustainability of public finances and to reinforce financial stability. The great difficulty with the pact is that it runs headlong into its own contradictions. To achieve any of its objectives, we need investment for faster growth, an equal path towards effective competitive rebalancing, urgent measures to get countries in deficit out of the straitjackets in which they find themselves and measures to clean up the banks. As it stands, the pact is a million miles away from any such plan. It fails to set out any kind of roadmap to achieve its stated goals.

Concurrent with the pact, the European Central Bank, ECB, has stepped forward to announce it will raise interest rates. This runs precisely counter to each of the pact’s stated aims. Fiscal consolidation will be made more difficult because of higher interest rates and slower nominal GDP growth. The appreciation of the euro will harm external competitiveness. The impact on deficit countries will be more severe than it will be on countries in surplus, such as Germany, thereby worsening the current imbalance. Growth and employment will be lower than would otherwise be the case.

This is no great surprise, given the fundamental flaw at the heart of the EU’s austerity strategy. The more countries reduce wages, the greater their inherited debt loads become. As debt burdens become heavier, public spending must be cut further and taxes increased to service governments’ debts and the debts of their wards, such as the banks. In turn, this creates

[Deputy Mary Lou McDonald.]

a need for additional internal devaluations, further heightening the debt burden and so on. It will be a vicious spiral downwards into economic depression.

The two main policy planks of the pact for the euro, namely, rapid and permanent fiscal consolidation and further wage cuts, can only lead us to conclude that it is not so much a pact for the euro as it is a pact for austerity. This does not bode well for the future of the European economy. The proposed pact aims to enshrine the austerity remedies supposedly prescribed by the financial markets. While fiscal discipline and fiscal balance are positive and desirable in the medium and long term, it is an offence against democracy to elevate them to pre-eminent points of principle. With worry I heard the Taoiseach assert he would give the principle the strongest legal underpinning. Did he mean a constitutional underpinning? Perhaps he will clarify.

The Taoiseach (Deputy Enda Kenny): Is the Deputy referring to the debt break? Which issue is she discussing?

Deputy Mary Lou McDonald: Fiscal discipline. The Taoiseach stated——

The Taoiseach (Deputy Enda Kenny): I was discussing a legislative base, not a constitutional one.

Deputy Mary Lou McDonald: That was not clear. The Taoiseach referred to the strongest legal underpinning, so I wanted to clarify.

The Taoiseach (Deputy Enda Kenny): No. Legislative.

Deputy Mary Lou McDonald: None the less, even to elevate the principle in that way is incredibly dangerous. If one elevates fiscal discipline and fiscal shrinkage to a point of principle, it will have immediate impacts in terms of public service provision. While there must be balance and discipline, a keen eye must also be kept on the provision of public services and citizens' quality of life. The difficulty with pursuing a legal underpinning of this kind, something that is much beloved of German and other EU administrations, is that it relegates public service, service quality and the well-being of citizens to a clear second position.

The Taoiseach (Deputy Enda Kenny): Its purpose is to prevent reckless spending.

Deputy Mary Lou McDonald: No one in this House — actually, I am not so sure about that — commends reckless spending.

Deputy Eamon Gilmore: Got it in one.

Deputy Mary Lou McDonald: There is a way to deal with this issue in a manner that does not cut the legs out from under services that are already struggling, yet still understand that the citizen and citizens' welfare, not economic dogma, have primary position in the State. May I finish my speech?

The Taoiseach (Deputy Enda Kenny): And by preventing reckless spending, one protects the citizen as the primary concern.

Deputy Mary Lou McDonald: Certainly, but the Taoiseach must prove there is a case for the kind of legal underpinning he suggested for so-called fiscal discipline.

Acting Chairman (Deputy Olivia Mitchell): The Deputy has two minutes remaining.

Deputy Mary Lou McDonald: I hope I will get them.

Deputy Pádraig Mac Lochlainn: The Acting Chairman should give the Deputy an extra minute to make up for the interruptions.

Deputy Mary Lou McDonald: For citizens, terms such as “fiscal discipline” often translate into real life as cutbacks, hardship and, as my colleague Deputy Mac Lochlainn stated, struggling to meet basic household bills.

The proposed strategy poses a further dilemma at EU level. How can the reputation of a financial area be made more solid by rewarding bank failure and not bank success? How can we trust the EU to police national budgets and to ensure economic growth and recovery while it is bailing out European banks at the expense of the welfare of European citizens for generations to come? How is it that the European Commission’s deliberations on, for example, burden sharing are an exercise in futuring? Why has it adopted this “not yet” policy? Not only will the policy not work, it could bring about an economic apocalypse in so-called peripheral countries like Greece and Ireland. How can the term “economic governance reform” be used at European level to sugar coat a vicious agenda of shrinking the public sector, slashing the welfare state and protecting bondholders? I will conclude, so I ask the Acting Chairman to indulge me.

Acting Chairman (Deputy Olivia Mitchell): The Deputy’s time has expired.

Deputy Mary Lou McDonald: There is a danger that European policymakers will believe their own propaganda, namely, that the pact constitutes a resolution of the euro area crisis. It is nothing of the sort. If anything, it will exacerbate matters. In fact, Merkel and Sarkozy may fan the flames of the euro crisis. For our purposes, the greater danger is that the Government and the Taoiseach will buy into the propaganda to the detriment of our State and citizens.

Deputy Richard Boyd Barrett: May I share time with Deputy Daly? I believe that is all.

Acting Chairman (Deputy Olivia Mitchell): It will be eight and seven minutes.

Deputy Richard Boyd Barrett: We initially believed there would be more of us, so it might not take that long.

Acting Chairman (Deputy Olivia Mitchell): That is fine.

Deputy Richard Boyd Barrett: The central issue I wish to address is the IMF-EU deal, but the Libyan crisis was also discussed at the summit. I would like to follow up my question to the Tánaiste and Minister for Foreign Affairs during Question Time earlier about the Libyan bombings. We should be screaming from the rooftops about the inconsistencies and double standards that are being applied because we have been told the action taking place in Libya is designed to prevent violent attacks by the Gadaffi regime against Libyan civilians. Preventing such attacks is an entirely laudable ambition and supporting the movement for democracy within Libya, which is seeking to overthrow the Gadaffi regime and establish a democracy, is also entirely laudable. I hope Members are genuine and serious in making statements on this but one has to seriously question the bona fides of the US, France, Britain and other major powers, given they made enormous sums arming Gadaffi in recent years and providing him with the weapons he is now using against his own people.

The Minister might say that is history but this cynical policy of double standards in supporting brutal regimes continues in the form of turning a blind eye to what the rulers of Bahrain, Saudi Arabia, the United Arab Emirates are doing to their people who, like the people of Libya, are

[Deputy Richard Boyd Barrett.]

campaigning on the streets for democracy and an end to dictatorships. No one is screaming from the rooftops about this inconsistency. The only way to explain this inconsistency is that the intervention of the US and the major European powers has nothing whatsoever to do with supporting the movement for democracy in Libya and elsewhere in the Middle East and has everything to do with using any means to secure control over oil supplies in the region. If that means backing dictatorships that are crushing democratic movements, they will do so. We in Ireland have a special responsibility to raise our voices about this.

I refer to the IMF-EU deal. Much play has been made of the attempt to renegotiate the deal, which everyone accepts is unsustainable in the context of the interest repayments on the huge loans the State must take to bail out the banks. This amounts to shifting around the deckchairs on the *Titanic*. Even if the Government manages to secure a 1% reduction in the interest rate on the repayments, that would barely address the unsustainability of this deal. Approximately €100 billion will be borrowed but national revenue is €30 billion and economic growth is zero. Even on the best projections, economic growth will not exceed 2% annually over the next few years and no credible projection would suggest it would exceed that. One could credibly argue that as the Government takes money out of the economy through austerity cuts, the economy will continue to contract and it is obvious we are digging a hole for ourselves. While the EU and the IMF are extorting us with interest rates on these loans, we are digging a worse hole for ourselves and it is unsustainable.

What I find particularly galling about this is it represents a serious U-turn by the Minister and by Fine Gael in the context of what they said during the election campaign. According to the Minister, it would be “Labour’s way or Frankfurt’s way” but that tough talk has been dropped. Fine Gael was more specific when it launched its banking policy document in February. According to *The Wall Street Journal*, the Minister for Finance, Deputy Noonan said: “The next government would be forced to “unilaterally” restructure the debt of Irish banks if agreement cannot be reached with Europe on senior bond holders sharing the cost of recapitalising the country’s insolvent banks.” He went to say, “It is neither morally right nor economically sustainable for taxpayers to be asked to beggar themselves to make massive profits for speculators”.

Fine Gael said senior unguaranteed bondholders should be unilaterally burned. The Central Bank of Ireland stated in recent days senior unguaranteed, unsecured bonds amounted to €16 billion. Why is the Government not unilaterally restructuring that debt and saying it will not pay? Fine Gael and the Labour Party are reneging on their policies and they are begging the Union to lower the interest rate on the loans by 1%, which will make no difference to the unsustainability of this deal. That is a massive U-turn. Should the Government parties not match their pre-election rhetoric by seriously standing up to Europe and saying they will not pay the gambling debts of private institutions because they will sink this economy and are unjust, and private financial institutions, the ECB and the EU have to take responsibility for their culpability in causing this crisis by promoting the policies that led to the reckless speculation in the banking and property sectors? To do anything less would betray the aspirations of those who voted for the Government parties in the election.

Deputy Clare Daly: It is important the Taoiseach is cognisant of and serious about these issues before he attends the European Council. He said he would not go into too much detail, which is unfortunate, given this is a feature of the Government’s approach to many issues. Time is running out, however, and there is an expectation among the population that he will return from the meeting with more than the lofty aspirations that are being repeated in various documents. There has been much discussion about sustainable growth, comprehensive packages

and so on, but the reality on the ground is different for people. There is no indication of jobs growth and a turnaround in unemployment.

I agree with the Taoiseach that the people of Libya deserve an agreed democratic future but so do the people of Yemen, Bahrain, Palestine and so on. I hope he will highlight to our European counterparts the selective way in which they approach dictators. It is total hypocrisy for them to implement a no-fly zone in Libya only to stand idly by 12 hours later while the army of an ally, Yemen, shoots dead 39 protesters. I hope the Taoiseach brings to the attention of the Council that this action is not being taken to support the revolutionary or democratic movement in Libya but, instead, to take advantage of the situation and to exploit the opportunity to replace the current regime with a more compliant one.

The most serious issue facing the people and the Government is the EU-IMF deal. The people want to know what is going on. Multiple trips have been made to Brussels and it is clear the Government parties fought the election by creating the illusion that there would be a simple, easy renegotiation of the deal which would yield an alteration that would result in a lifting of the crushing burden on the shoulders of ordinary people as a result of the disastrous policies of the previous Government. It is clear now that what we are getting instead is some soft talk about a reduction, primarily in interest rates, which will not wash. The points have been made by my colleague in that regard. A price is being put even on that paltry reduction. It is not a renegotiation. We are being told that if we give up this, we will get that back. It is that type of horse trading, with very few benefits attached.

Where is the burden sharing? Where are the hair cuts and where is the hit being made? People would tremble if they read the Taoiseach's speech in which he lauds the situation that Ireland and Greece are making good progress. That good progress for Greece is a €50 billion rapid privatisation programme being foisted on that economy and the deflationary impact and the job losses that will cause will be devastating for Greece. Is that what the Irish Government expects us to emulate? It is saying we will adhere to the terms of the 3% deficit by the end of 2015. How will it do that? That is what people want to know. It is no longer good enough to say we are where we are or we are where Fianna Fáil and the Green Party put us. We know all that. We now want to know what is being done about it. The question is whether there is a benchmark below which this Government is not prepared to go because we have a European Union acting, in reality, as an agent for the financial markets. Let us be clear about that. They seem to be intervening to shore up the interests of German and French banks who recklessly speculated on our property economy. They were private loans for speculative gain and private profit. How much is the Minister expecting those people to pay for their role in this crisis? What appears to be happening, and we will know soon enough, is that he expects people who are being crushed with the universal social charge, those taking a hit in social welfare and ordinary householders paying excruciating mortgages to continue on in that manner.

What the Government must be clear on going into the negotiations is that an adherence to the policies it has hinted at in the Taoiseach's opening address will not satisfy the concerns of the people who voted for the Government. Many people will be considering what has happened in recent weeks and they will say there is no indication that there is any departure from the policies the previous Government implemented. I remind the Minister of the recent electoral hiding that Government received. While people may be prepared to give this Government a little space to manoeuvre and do the negotiating, they bought the Government's line in good faith and they expect it to come back with something concrete and much more than has been outlined in the documents we have seen so far.

Deputy Kieran O'Donnell: I am delighted to make a contribution to this debate and in the short time available to me I want to make a number of important points. I wish the Taoiseach,

[Deputy Kieran O'Donnell.]

Deputy Enda Kenny, well in the negotiations over the coming days but I want to deal with the issue of corporation tax. Europe should be aware that the low corporation tax has been a cornerstone of our economic platform since the 1950s across a range of areas. We had a 10% manufacturing rate. We now have a low rate of corporation tax. Furthermore, our corporation tax is twice as important to us as the tax is to Germany. Our tax as a percentage of gross domestic product is 2.9%, which is twice Germany's rate of 1.1% and ahead of France whose rate is 2.8%. That is an indication of the importance of our low rate of corporation tax in terms of generating tax in the Irish economy. We have a large number of multinational companies in Ireland. I am a Deputy for Limerick city which has a huge multinational base. Many of those companies would not have come to Europe if Ireland did not have a 12.5% rate of corporation tax. That is something that is overlooked. A rising tide should lift all boats.

We are a small, open economy. That is often overlooked. We are a vital partner in terms of Europe. One of the cornerstones of our small, open economy is our low corporation tax rate. Figures do not lie. The fact our corporation tax in percentage terms equates to 2.9% of our GDP — it is 1.1% in Germany — shows the benefit of the tax in terms of bringing industry and jobs to Ireland. We have a lower corporation tax rate than France. Our European partners must be aware that the low corporation tax has been a driver in terms of our small, open economy. We have a large number of multinationals coming here and we cannot ignore that.

I want to make two other points in the time available. In the overall context of the negotiations, Europe must see that in terms of the 5.8% interest rate and the fact that we are being charged a 3% margin over and above the cost of money to the fund itself, that rate is not sustainable. Europe is aware of that. I expect there will be a lowering of the rate but it must be to a rate that is sustainable.

In terms of the European Central Bank, our Minister for Finance has already had discussions with Jean-Claude Trichet on giving the banks a proper period of time to re-establish independent funding as distinct from ECB funding of €150 billion. We do not want a situation where the banks are involved in a fire sale of assets effectively to reduce their deposit to loan ratios.

When the bank guarantee scheme was introduced in September 2008, the then Minister for Finance, Deputy Brian Lenihan, stated it was to ensure credit would flow from the banks to the small and medium-sized business sector. That has not happened. I am aware from my previous role as an accountant in practice and the number of people who come to see us in our constituency offices that people cannot get credit from the banks. The banks are now actively looking to reduce their loan portfolio and I believe they are making decisions that may not make commercial sense both from the point of view of the bank and the economy in terms of keeping people in jobs and in business.

The stress testing being carried out on the Irish banks will be completed by the end of March. That must feed into the discussions with Europe. Europe is carrying out its own stress testing which it is expected will not be concluded until the summer. That, too, must feed into the discussions.

We have reached the point where our European partners must realise that countries are different. As a small, open economy over successive decades, a low rate of corporation tax has been to our benefit. That is measured in the tax take and the number of jobs across a range of sectors, especially in the multinational sector. If a company is paying 40% corporation tax, it means the company must give 40 cent from every euro of profit to the Exchequer. If that were reduced to 12.5%, the company could put the difference back into keeping people in jobs. What we must consider is a sustainable basis.

I wish the Taoiseach, Deputy Kenny, well in the negotiations. I have no doubt they will be successful, but they will be difficult. Europe must be aware that what is good for Ireland is also good for Europe.

Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore): I thank the Members who contributed to the debate, in the course of which there were many references, understandably, to the debates that took place during the general election campaign. Leaving aside the partisan comments we all tend to make about general elections and their outcomes, the overwhelming message from the general election was people's desire that the new Government would get to grips with the unprecedented economic difficulty the country is facing and address the issues of economic recovery, getting people back to work, getting growth into the economy and confidence back into the domestic economy, and restoring the country's reputation.

There is a great understanding among the people that this is a process that will take some time. I doubt that anybody in this country expects the Taoiseach to arrive back from the European Council meeting at the weekend with a neatly packaged solution to our economic and financial difficulties. We must therefore see the Council meeting as part of a process which the Government is undertaking and through which we are determined to restore this country's fortunes and get us back on our feet. In that context, there is a responsibility on everybody to be supportive of that effort. I do not mean it should be uncritical support, but support in the sense that we must be confident about this country's future. We should not be talking ourselves further into a depression or decline. Second, where Members of the House or individual political parties have suggestions about how we can best do that and constructive ideas about how we can move things forward, the Government is open to addressing them.

Apart from the economic issue, the Council meeting will address a range of issues which have been referred to by a number of Deputies. Preparation for this week's European Council was taken forward in a number of productive meetings held yesterday in Brussels. The Council of Ministers dealing with energy met and considered the situation in light of recent developments in Japan and north Africa. The Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, represented Ireland. With regard to energy markets and supply, the conclusion was that members have so far been able to cope with the consequences for the oil and gas markets but that these needed to be kept under close watch, including as regards price developments.

Where nuclear safety is concerned, it was agreed the priority is to ensure the highest standards are in force. Improving safety is a continuing process. The Council welcomed voluntary steps taken by national authorities and industry operators regarding the review of safety of nuclear facilities. There was a shared willingness to launch a process for defining a comprehensive risk and safety assessment of nuclear plants in Europe, the so-called stress tests.

A meeting of Finance Ministers was also held yesterday with regard to the European Stability Mechanism, ESM. The Minister for Finance, Deputy Noonan, attended that meeting. The main task of relevance to the European Council was to finalise the key structural features of the ESM, following the euro group Heads of State and Government meeting on 11 March. This was successfully achieved and the details are set out in an 11 page term sheet which I understand is now publicly available.

The Foreign Affairs Council, attended by the Minister of State, Deputy Creighton, met yesterday morning and over lunch and devoted a considerable amount of time and deliberation to the situation in Libya. Ministers agreed Council conclusions which clearly condemn the continued violence and ongoing violations of human rights by the Libyan regime against its people. Ireland strongly supports these conclusions which also express satisfaction at the adop-

[Deputy Eamon Gilmore.]

tion of UN Security Council Resolution 1973 and make clear that the EU will support actions provided for by that resolution which are necessary to protect civilians and civilian populated areas under threat of attack. The Council also adopted further sanctions against the Libyan leadership. A further round of EU sanctions is expected to be agreed by the European Council later this week.

Ahead of the European Council discussion on the southern neighbourhood, the Foreign Affairs Council also discussed the situation in the broader region, particularly the EU's support for transitions in Tunisia and Egypt, as well as the situations in Bahrain and Yemen. The Council agreed conclusions on Bahrain and Yemen which Ireland fully supports. On Bahrain, the Council deplored the recent loss of life and the escalation of violence and called for the immediate commencement of dialogue on reform, without preconditions. The need for the Bahraini Government and security forces to respect and protect basic human rights was also emphasised.

With regard to Yemen, the Council strongly condemned the use of force against protestors which resulted in at least 39 deaths last Friday. The Council also made clear that the EU will review its policies towards Yemen should the safety of demonstrators not be ensured. The Council urged all sides to engage in constructive and comprehensive dialogue without delay with a view to achieving an orderly political transition in Yemen.

As is usual and in line with the treaty provisions, the General Affairs Council met yesterday to prepare the meeting of the European Council on Thursday and Friday. This was a good meeting which worked through the draft conclusions of the European Council and brought together the diverse elements which figure on its agenda: the situation in Libya and the wider southern neighbourhood; the situation in Japan; and the comprehensive package of measures to respond to the economic crisis and preserve financial stability.

There are some grounds for satisfaction in seeing the components of this comprehensive package now come together, and in a relatively short timescale. The stepping-up of economic co-ordination at EU level through the European Semester has now been launched. The pact for the euro, agreed by Heads of Government on 11 March, is now in effect and is open for other member states to join. At the General Affairs Council, Denmark was clear in stating it would be participating, and a number of other non-euro member states are actively considering such a step.

The strengthening of the Stability and Growth Pact through legislation is advancing and the Council's so-called general approach now opens the way for negotiations with the European Parliament. The banking sector stress tests throughout Europe are under way, and the European Council will underline the importance of the peer review process. The final element of this package will be the adoption by the European Council of the decision which will amend the Treaty on the Functioning of the European Union, TFEU, with regard to the setting up of the ESM.

In the Council discussions yesterday the draft conclusions of the European Council on this range of matters were generally well received. Suggestions for amendment and improvement in a number of respects were put forward, including by Ireland regarding the attraction of capital to finance growth, and these will be considered by President Van Rompuy and his team before the next draft is presented to the Heads of State and Government.

As regards the southern Mediterranean region, since the Foreign Affairs Council had already had an in-depth discussion on current events, the General Affairs Council focused on how the EU can assist those countries, such as Egypt and Tunisia, which are now on the path to democratic transition. The Council and the Commission are considering a number of medium and

long-term measures. These will form part of a new partnership between the EU and our southern neighbours which we hope will be founded on deeper economic integration, broader market access and political co-operation. However, there are also some actions we can take now, such as increasing lending from the European Investment Bank. These will be further considered by the European Council.

While there was little discussion at yesterday's General Affairs Council on issues related to the ESM and the EFSF, given that Finance Ministers were meeting in parallel, we welcome the acknowledgement in the pact for the euro of the importance of debt sustainability of recipient countries. In Ireland's case, bringing about the pricing reduction in the EFSF envisaged in the 11 March conclusions is a matter being addressed in ongoing contacts. We will work constructively to reach an outcome that is acceptable to all concerned.

The stage is set for a productive meeting of the European Council, marking the culmination of an intensive process of preparation of an integrated package of economic and financial measures, as well as providing for a distinctive European Union input to the preoccupying situations in both Japan and Libya.

Private Members' Business

Corporation Tax: Motion

Deputy Micheál Martin: I propose to share time with Deputy O'Dea.

Acting Chairman (Deputy Ciarán Lynch): That is agreed.

Deputy Micheál Martin: I move:

That Dáil Éireann:

- confirms its absolute commitment to the maintenance of the 12.5% rate of corporation tax;
- is opposed to any Irish participation in proposals to introduce a consolidated corporate tax base within either the eurozone or the European Union as a whole;
- notes the clear evidence that investment attracted to Ireland by our policy on corporation tax is largely won against non-European Union countries and is therefore a net benefit to the EU; and
- believes that any move away from these established policies would undermine Irish employment and prospects for a strong recovery with serious implications for the wider European economy.

Fianna Fáil has introduced this motion in order that the new Dáil can reaffirm the broad political consensus that has obtained for many years concerning the need to retain Ireland's current corporation tax regime. At a time when a small number of people in certain countries have become obsessed with our corporation tax rate, Dáil Éireann should demonstrate that this is not a point on which Ireland can or will make any gestures to satisfy the foolish and ill founded negotiating positions of a handful of countries. Following the Taoiseach's comments last week and our vote in favour of the then Opposition's motion last year, we hope and expect that this motion will be supported without amendment by the Government parties.

[Deputy Micheál Martin.]

There is not one shred of evidence that Ireland's corporation tax rate is a major issue for the economic future of any other European country, but there is overwhelming evidence that it is vital for the economic future of Ireland. It is not just about the rate but about the manner in which it is administered in a fully clear and transparent way, giving investors the long-term security which helps them to plan for growth and job creation. At a time when the challenge facing Ireland and Europe is to stimulate the economy and create jobs, pressure to increase the tax to be paid by investors and innovators shows a detachment from the reality of the situation in Ireland. It also serves to undermine the core principles of the great European project which has, up to this point, earned it strong popular legitimacy.

The background to Ireland's corporation tax policies is often misrepresented and this House regularly hears false claims about when and how the 12.5% rate was implemented. It is not the case that we have had a low single unified rate for decades. For many years we had a low 10% rate for the manufacturing sector which was particularly designed to attract inward investment, alongside a much higher rate for all other activity. This higher rate stood at 36% in 1996. In the mid-1990s it was correctly held in Europe that this system of dual rates represented a discriminatory approach towards one sector of the economy. Therefore, it was agreed to move to a unified rate.

Following a series of detailed studies by officials, the then Minister for Finance, Deputy Quinn, announced the then Government's intention to unify the rate at 12.5%. It is a gross distortion of history to say, therefore, that the 12.5% rate was introduced in early 1997. There was no formal agreement with the European Union; there was no legislative provision and, critically, no financing provided. As the record shows, in the following year the new Government, led by Fianna Fáil, carried out negotiations with the European Commission and reached an agreement, the enactment of which was provided for in the Finance Act 1999. In 2003 the move to the 12.5% rate was completed.

This is not the lowest corporation tax rate in either Europe or the world. Unlike in many European Union countries, it is implemented fully in order that the effective tax rate is very close to the nominal tax rate. The inward investment authority in France advertises its rate as being just over 8%, while the effective rate in Germany is also lower than ours. There are places in Europe where it is possible to get close to a zero corporate tax rate, together with investment incentives which we can never match.

What makes our corporation tax regime an effective attractor of investment is that it is reliable. It is administered fairly and transparently. A company setting up here knows exactly what its tax liabilities will be, not only during the start-up phase but also in the long term. I held many meetings during my time as Minister for Enterprise, Trade and Employment with prospective investors in Ireland. Time and again they said they were getting better offers from other countries on corporation tax rates. In addition to our skilled workforce and investment policies, we won those investments because of the strong political consensus behind maintaining the corporation tax rate.

It is also the case that the overwhelming majority of investment projects we have won have been against non-EU countries. In winning technological investments, for example, our main competitors were Singapore, Switzerland and Israel. In the case of medical devices, Puerto Rico was until recently a major competitor. Ireland has won facilities of global, rather than just European, significance. Our ability to compete and win in these areas should be a source of European pride, not envy.

A major aspect of our corporation tax rate that has been missed by those who complain about it is that every relevant authority which has reviewed it has confirmed that it does not

represent a distortion of the Single Market. It fully adheres to our legal commitments to the European Union. This volume of analysis allows us to conclude that the moves being made against the policy are purely political. Any fair review of the many clearly identified distortions of free trade and fair competition within the Union, many of which remain in place in spite of Commission findings, will conclude that our corporation tax regime is utterly marginal.

There is no doubt that some countries have developed a deep antipathy towards our corporation tax policies. It has become almost a fetish for representatives of these states to get excited about them. I had many debates with ministerial colleagues from other countries about this and the former Taoiseach, former Deputy Brian Cowen, had a major disagreement with the French President, Mr. Sarkozy, at his last Council meeting which was both colourful and passionate. What is amazing about this is that not one shred of evidence has been produced to show that our corporation tax rate is anything other than a minuscule part of broader European economic performance. Our economy is 1% of the size of the European economy. Our policies have an impact on the French and German economies which is close to zero.

Ill founded as it clearly is, there is no doubting the strength of German and French desires to force us to increase the rate of corporation tax. Equally, they have no doubt as to the strength of our resistance to their pressure. As time has passed, a strategy has evolved to secure a forced harmonisation of corporate tax rates by the back door. The motivation behind the push for a consolidated corporate tax base, CCTB, has only ever been to raise the level of corporation tax paid by companies based here and in other countries with low rates. From its inception, CCTB has been a solution in search of a credible problem to address. The justification behind it at the point of its conception was explicitly harmonisation but growing resistance from many countries forced this to be changed to “reducing the costs of compliance”. The reality is that the benefit would be at best marginal and is itself an item low on the agenda of European industry. CCTB is a priority only for governments which want to increase revenue. Nobody who actually runs competitive and job-creating enterprises is demanding it.

An independent academic study was published last Monday of the likely impact of the Commission’s latest CCTB proposal. It states clearly that the measure, if implemented in full, would likely be of no net benefit to the European economy as a whole. It would also be of negligible, if any, benefit to France and Germany. There would, however, be a direct and potentially devastating impact on Ireland’s economy. The only independent study of the CCTB proposal before the Council shows it would reduce our national income by more than 3%. That would be a quick and permanent reduction in GNP of more than 3%. In this circumstance we can say, with apologies to no one, that agreeing to CCTB would not be a “gesture” but would in fact destroy jobs, further undermine the public finances and cripple our fragile recovery.

While the Taoiseach has been clear on CCTB, this has not been the case with all of his Ministers, some of whom appeared this weekend to suggest we should find a way of engaging with the issue. There is no current or even theoretical model of CCTB that does anything other than offer a destructive impact for Ireland. We must be clear that we will not participate in CCTB. No subtlety and no fudge will work in this case. There are no potential benefits but only devastating costs to CCTB and this will not change with negotiation.

Our commitment to reconstructing the financial system in such a way as to respect the interests of the entire eurozone is a major “gesture” by any standards. We can and should offer to introduce new fiscal rules designed to prevent unsustainable spending. Equally, we can and should participate with the European Central Bank in reforming financial regulation. These are responsible and relevant measures which should more than meet the concerns of fellow member states if they remain genuinely committed to the core European Union principles of solidarity and collective action. We should also insist that our partners acknowledge the import-

[Deputy Micheál Martin.]

ance of the whole Lisbon treaty process. Tax harmonisation was explicitly excluded from the competencies of the Union. The first referendum was, in part, lost because of scare stories about our corporation tax being in danger. The second referendum was also, in part, won because we received detailed reassurances and legal guarantees that our right to set our own policy would be fully respected.

I have no doubt that the only way we can read the Lisbon treaty results is to say that the people have already had their say on this issue. This is not some abstract political or elite economic issue. The Irish public understands and supports public policy on corporate taxation. No Irish Government or Parliament has the legitimate right to make any change whatsoever to this policy without the people's consent through either a referendum or a clear electoral mandate.

Both Labour and Fine Gael stood on unambiguous manifestoes opposing both a rate rise and CCCTB. This commitment was included in the programme for Government which was endorsed by both parties, as well as by the Dáil. No wriggle-room or clever wording is possible to enable a negotiation. If Ireland wants to have a future then Ireland cannot compromise on this, and this should be accepted by any country which genuinely wishes us to recover and for us to do so within the euro.

This motion is designed as a positive statement, not a defensive one. We are a small nation on the edge of Europe. We do not have available to us large numbers of policy instruments to help us to be prosperous in a globalised world. Through our membership of the Union and eurozone we accept many constraints on our action. To try to force us to abandon a vital economic and employment policy would mark a betrayal of the spirit of solidarity of the Union we joined. It would mark an abandonment of the strategy for integration adopted by a previous generation of visionary leaders. That lack of vision at the heart of the leadership of the European Union gives rise to fundamental concerns about the future of the Union and its capacity to deal comprehensively with the issues Europe faces related to the euro and monetary union. Any attempts to undermine our corporate taxation would put ill-founded national prejudice ahead of clear evidence. For the sake of a gesture which would be of no significant benefit to the countries demanding it or to Europe as a whole, Ireland would have its recovery hopes fatally undermined.

This is an issue which demands political unity from us. Ireland is a responsible member of the European Union but no one has the right to ask us to undermine our own economic future. I commend the motion to the House.

Deputy Willie O'Dea: I second the motion. It is regrettable that we feel it necessary to have this debate to reiterate our opposition to any change in our corporate tax regime. I was recently involved, along with colleagues from all sides, in trying to persuade the people of the country to support the Lisbon treaty and I did that on the basis that our income tax and corporate tax regimes were inviolable; they were matters for Ireland alone and nothing could ever happen to change that. President Sarkozy himself came to Dublin during the recent Lisbon treaty referendum and gave the same assurance in unambiguous terms.

It is also regrettable because everyone is aware, and none more so than Chancellor Merkel and President Sarkozy, that this country is in an economic crisis of the first magnitude. They are aware that the country is disproportionately dependent on foreign direct investment. Foreign direct investment has been the generator of a great deal of Ireland's wealth. They also know that the foreign direct investment that has flowed into the country, particularly from the United States, is inextricably linked to our single, simple rate of corporation tax. The regime,

which has been in place for 14 years, has become a brand; it is administratively simple and it is certain.

I regret that moves in Europe enjoy support from some in this country. An article by a journalist in a leading national newspaper asked, "Are the multinationals really that economically shallow that if we bumped up the rate from 12.5% to 15% or so, that they would up sticks and leave? What companies like that really want is certainty". I quote that as a typical example of someone who is incapable of even taking his own side in an argument. Simplicity is the attraction of the Irish corporation tax regime. If the rate was increased, or even decreased, that certainty would be removed and that is the attraction of the scheme.

The effective rate of tax in France is 8.2%, the effective rate in Luxemburg is 4.1% and in other countries, the effective rate is almost 0%. In Ireland, the effective rate is 11.9% but in those other countries, the rate depends on allowances that can be claimed and on the activity engaged in. Anyone applying for the allowances must plough through legalese and employ lawyers and tax accountants while the central attraction of the Irish system is its simplicity. Furthermore, recent studies by the Organisation for Economic Cooperation and Development have shown a 1% increase in corporation tax in this country would lead to a 3.7% decline in foreign direct investment. We are into the law of diminishing returns.

If an attempt to raise the rate of corporation tax from 12.5% is the direct assault on Ireland, CCCTB is the Trojan horse. Time does not permit me to go into the technicalities but it means any company that locates its headquarters here with a view to selling overseas, instead of being able to attribute its profits to Ireland, and pay tax to the Irish Exchequer at 12.5%, will see its income allocated to the other countries in which it trades. The rules for allocation will be drawn up by the EU and if there is a problem with interpretation, they will be interpreted by the EU court. It does not require the wisdom of Solomon or a degree in economics from Harvard to conclude that this will fundamentally and fatally undermine the attractiveness of Ireland's corporation tax regime. There would be no point in fighting for a 12.5% rate; the rate would be irrelevant because there will be no profits to apply the rate to.

In its submissions on behalf of CCCTB, the European bureaucracy has advanced two arguments. The bureaucrats tell us it will bring simplicity and reduce compliance costs and that it will involve a lower rate of tax. No one seriously believes that at a time when the corporation tax take in Europe is dropping, the European bureaucracy really intends this convoluted system to result in an actual reduction in tax rates. Ernst and Young has studied the matter by applying CCCTB to business in the real world and it reached the conclusion that:

CCCTB would, in the opinion of the businesses surveyed, lead to an increase in compliance costs. In addition to the average increase of 13% in compliance costs, businesses would also incur substantial once-off costs in the transition to a new system.

Ernst and Young's report also indicates:

The majority of businesses found that their corporate income tax burden would actually increase under a CCCTB. This was largely because the apportionment mechanism meant that a greater proportion of income would be apportioned to, and taxed in, Member States with higher corporate tax rates. Only one business . . . was found to have a lower corporate tax burden under a CCCTB, and this occurred as a result of benefiting from the current year cross-border loss relief.

That it the position and it could not be simpler.

There is a major level of foreign direct investment, FDI, in the mid-west reason. On foot of my long career as a politician, I am aware that, in practice, multinationals establish head-

[Deputy Willie O’Dea.]

quarters in Ireland and then proceed to sell their products to other, richer European countries. Under what is proposed, the profits on which these companies pay tax to the Exchequer will be allocated to those countries to which I refer and the tax will be then paid in those jurisdictions. In other words, the tax will move directly out of our coffers and into those of these richer states. As a result, the balance between rich and poor will be redressed in reverse.

Peripheral and poorer states are more than entitled to argue that the best way to redress the balance between them and other states is through the proper use of their competitive tax advantage. After all, is that not what the EU is all about? Is that not what was intended in the case of the Cohesion Fund and Structural Funds? Studies have found that countries such as Poland, the Czech Republic and Slovakia would lose most revenue under a CCCTB. They also found that Ireland would lose most of all.

I am slightly confused. The Taoiseach made an unambiguous statement with regard to a CCCTB representing tax harmonisation via the back door. However, I heard other members of the Government make different statements. I do not want the Taoiseach to return from the forthcoming summit and state that, as a result of some miserly concession he obtained from the Franco-German axis, we are going to engage constructively with the concept of a CCCTB. How can one engage constructively with something that will deliver a potentially lethal blow to the heart of the economy? When he returns from the summit, I want the Taoiseach to state that he has spurned any attempt to draw Ireland into supporting a common consolidated corporate tax regime. To paraphrase the words of a well-known music hall performer, France and Germany’s attempts at conversation in this matter should remain unanswered.

We persuaded the Irish people to vote in favour of a number of referenda on foot of assurances to the effect that our tax system would remain within our control. The people kept their side of the bargain and it is now time for others to do likewise.

Deputy Michael P. Kitt: I wish to share time with Deputy Calleary.

Acting Chairman (Deputy Ciarán Lynch): There are 15 minutes remaining in the slot. Do the Deputies propose to share them equally?

Deputy Michael P. Kitt: Yes. I welcome the opportunity to contribute to the debate on this motion. Earlier, my party leader clearly affirmed our absolute commitment to the maintenance of our 12.5% rate of corporation tax. I welcome the fact that the programme for Government contains a commitment relating to the retention of this rate. Most parties agree that our rate of corporation tax is essential in the context of the country’s economic recovery.

Chartered Accountants Ireland has pointed out that competition — including tax competition — is an essential component of the single market. There is also clear evidence that investment attracted to Ireland by our policy on corporation tax is largely won against non-European Union countries and is, therefore, a net benefit to the EU. I have seen evidence of this type of investment in Galway, where companies involved in the medicare-pharmaceutical industry have established very good track records. We cannot move away from the important employment created by these companies and thereby undermine a strong national recovery.

There are serious implications for the wider European economy. Ireland’s corporation tax regime is undoubtedly under attack from other EU member states. These attacks are extremely unfair because Ireland collects a significant share of its taxes from companies. EU member states, particularly those in the eurozone, must retain their tax sovereignty as an important lever of fiscal control. The Irish corporation tax system compares well with the systems that obtain in other EU member states in the context of achieving actual and relative yields. The

bottom line is that global recession has robbed all European countries of tax revenues from all sources.

In view of the fact that expenditure has curtailed, there is an urgency in the context of raising taxes. We have been informed that there are firm proposals regarding the establishment of a common consolidated corporate tax base, CCCTB. I am of the view that the CCCTB is unwieldy and irrelevant and that its time has passed. The conventions and treaties underpinning the European institutions do not permit the EU to legislate for any direct tax such as corporation tax without the unanimous agreement of all 27 member states. An important attribute of the VAT system is that member states are not obliged to ask each other's permission in order to vary their rates. The European VAT system is stated by way of EU directive. There is no comparable directive in respect of direct taxes such as income tax, corporation tax, capital gains tax, etc.

For many European member states, monetary policy has already passed to the European Central Bank, ECB. Individual, sovereign member state Governments must retain the capacity for some control. Taxation policy remains the key tool available for domestic economic regulation.

It is interesting that the proposals relating to this matter were put forward by the French and German leaders. The normal pattern is that EU proposals are put forward by the Commission. The introduction of a CCCTB could help to complicate matters. I understand that no member state can be forced to accept a CCCTB. As Deputy Martin stated, during the referendum campaign on the Lisbon treaty the European Commission made it clear that corporation tax would not come under threat.

Questions have been raised with regard to whether European multinationals will pay the same amount or a smaller amount of tax under a CCCTB. I suggest that this idea is no longer relevant because it would serve to distort the distribution of taxes within the European Union. What may have been relevant ten years ago, is no longer relevant in 2011.

There has been some discussion with regard to a new policy regime. The Minister for Finance dropped a number of hints in this regard. I would like to be provided with further details in respect of this matter. The discussions taking place at European level are extremely important. Mr. Jean-Claude Trichet has spoken a great deal with regard to what is right for the European economy. It is important to stress that the recoveries of the European economy and the Irish economy are interlinked. Clarification is required with regard to what is occurring at the discussions to which I refer. I hope this matter will be debated further when the Taoiseach returns from the forthcoming summit.

During the recent general election campaign, every candidate referred to job creation. We must take this opportunity to stress that we are concerned with regard to creating and retaining jobs and that we will not walk away from the policies that have led to jobs being created in the past. Why should we undermine employment in this country or the prospects for economic recovery? The increase in exports and the level of investment on the part of multinationals are both welcome and positive developments. The introduction of a new system would reduce the attractiveness of member states which currently have in place low-tax regimes and would lead to FDI being diverted to countries outside the EU.

During a radio interview earlier today, the former Taoiseach, Mr. John Bruton, provided a very good history of corporation tax. He made the point that corporation tax is not new but that it has been in place for many years and is something we all value. I hope corporation tax will remain the cornerstone of this country's industrial policy. Is it right that we should lose out to competitors outside the EU, particularly in the context of the medicare-pharmaceutical industry?

[Deputy Michael P. Kitt.]

I support the motion tabled by the Fianna Fáil Party. I welcome the fact that there is all-party support for it. I hope we will obtain a good outcome from the summit the Taoiseach is due to attend later in the week.

Deputy Dara Calleary: I welcome the chance to speak once again on the question of corporation tax. I wish the Minister of State, Deputy Brian Hayes, well in his new brief. I wish him many nights of providing Front Bench cover. He might even take the odd Adjournment debate matter, if he really misbehaves. I wish him well in his new post in this realm and in the realm of public sector transformation. I will be happy to give him any assistance he requires.

It is only a few months since the 30th Dáil passed a similar motion in complete support of Ireland's corporation tax rate, ahead of the last challenge to it. It is fitting that the 31st Dáil should do so again. We are merely reaffirming the views of those who elected us in the recent general election and who spoke in 2009 during the second referendum on the Lisbon treaty. At the time, the legal guarantees of our corporation tax rate were fully supported by President Sarkozy and Chancellor Merkel. Very little has changed since in our relationship with France and Germany or in the importance of our corporation tax rate, not just to Ireland but to the European Union as a whole. Many of the companies which locate in Ireland make a choice between locating in Ireland or outside the European Union. The loss of employment to Ireland would be a loss to the entire European Union.

This morning I heard a report on "Morning Ireland" on next weekend's elections in Baden-Württemberg in Germany where Chancellor Merkel's party is on the verge of losing power after 40 years. Apart from feeling some affinity with her political travails, I found the report interesting when business people, as opposed to politicians, were interviewed. One business person interviewed was a manufacturer and he mentioned our corporation tax regime as an issue. However, it was mentioned in a way that made it clear that it was not having an impact on his business. What was having an impact on his business and ability to trade in foreign markets was the high labour rate in Germany and the costs associated with the various rates. We have had to make huge sacrifices in the past three years in adjusting our labour costs, in both the private and public sectors. To hear someone in another country which has not made these sacrifices try to use our corporation tax rate as a reason to push more sacrifices on us was slightly frustrating.

Our corporation tax rate only opens doors for us. We have to prove on so many other fronts that in Ireland we are able to attract the kinds of industries to which Deputy Kitt referred. We are not the leading player in the pharmaceutical sector purely by dint of a 12.5% corporation tax rate. We are the leading player because of the strength of our education system, the flexibility of employment law, our infrastructure and the level of investment in third and fourth level education. Our strength in the food sector owes much to the traditions of the agricultural community, the investment it has made in its products and research into new products. It is not the 12.5% corporation tax rate that maintains Kerrygold, Avonmore or other food multi-nationals. If they were not trading out of Ireland, they would not be trading out of any EU post.

This weekend, no matter how much pressure the Taoiseach is put under by his friends, there must be absolutely no doubt that our 12.5% rate will remain. If we even commit to a review or some political compromise, we will place a question mark against the rate and put at risk investment that has been hard won in recent years by the IDA and the Irish teams in many countries throughout the world.

One of the best decisions of the new Government is to incorporate the trade function of the old Department of Enterprise, Trade and Innovation with those of the Department of Foreign Affairs. We are blessed with top class officials representing Ireland abroad, whether in the

Department of Foreign Affairs, Tourism Ireland, Enterprise Ireland or any of our other agencies. We bandy the word “quango” about, but we ignore the very good work undertaken. It is their work that attracts companies to Ireland and entices them to come through the door, but to open the door we need firm commitments and clarity regarding the 12.5% rate.

Let us not fool ourselves. There are forces at work to reduce our reliance on this rate. What will be next if these forces get their way on corporation tax? As someone who has been very supportive of the European project for many years, I find it difficult to ask that question, but it must be asked. It is clear that our cost model does not suit the European cost model. The sacrifices this country has made to reduce costs and increase competitiveness, particularly in the past three years, do not suit a model that has not made these sacrifices. If we give way on corporation tax, we may be opening the gates to other changes that will be to the detriment of the economy.

The last election was about jobs and stemming the flow of emigration which is haunting the country again. It was about responding to the fears of parents and grandparents who were seeing the next generation leave, having made huge sacrifices for their education. We must do everything to protect the 250,000 jobs in our multinational companies and the hundreds of thousands of other jobs dependent on them. We must do everything to create and protect the conditions to attract more jobs, while ensuring we have a sufficiently robust domestic economy to support the creation of homegrown jobs that will survive in that economy.

Any give-in, in whatever circumstance, on our corporation tax rate will immediately impact on employment, market sentiment and domestic consumption which is already at a very weak rate. We must be resolute this weekend. The Taoiseach, the Tánaiste and the Minister of State, Deputy Creighton, must be absolutely resolute that there will be no give on corporation tax or any of the conditions we have created to attract inward investment. In a European Union focused response to the debt crisis faced by the European Community, we must emphasise the fact that Ireland’s corporation tax regime creates employment in Europe as a whole that otherwise might not be created. Our corporation tax rate opens the door for Ireland. It is the other things we provide that lead to the creation of jobs. If the doors are not opened, jobs will be lost to Europe.

This is not a time for optics or false fights. This is a real fight. We give the Government every support in its fight this weekend, for all the reasons I have outlined and that will be outlined by other Deputies. Ministers must not come back with any sense of compromise or doubt over the corporation tax rate. To do so would damage our economic prospects even further.

Minister of State at the Department of Finance (Deputy Brian Hayes): I move amendment No. 2:

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

- “— recognises that the Programme for Government clearly states that the Government will “Keep the corporate tax rate at 12.5%”;
- recognises that the 12.5% corporation tax rate will support Irish economic recovery and employment growth by attracting foreign investment;
- recognises that the Government, alongside other European member states, remains highly sceptical about many aspects of the Common Consolidated Corporate Tax Base proposal (CCCTB) but that the Government believes that a constructive and forth-

[Deputy Brian Hayes.]

right engagement with all of our European partners on this issue will result in the best outcome for Ireland and for the European Union as a whole; and

- notes that, in particular, as confirmed in the Pact for the Euro, direct taxation is a matter of national competence and, more generally, that unanimity is required in respect of decisions on tax issues.”

With the permission of the House, I will share my time with Deputies Peter Mathews, Joe McHugh and Joe Costello.

I thank Deputy Calleary for his kind remarks concerning my appointment and recognise the work he did in the previous Government, particularly on the issue of public service reform.

This discussion affords the House the opportunity once again to send a clear signal to our European partners and business that there is consensus on Ireland’s corporation tax policy. Deputies opposite will recall that when in opposition Fine Gael tabled a Private Members’ motion last November calling for cross-party support for the maintenance of the 12.5% rate of corporation tax as an indispensable tool for growth, job creation and economic recovery. The overall message is clear and unambiguous. Our commitment in the programme for Government to the 12.5% rate will be upheld. That is not to say, however, that we will not live up to our responsibilities and engage with our European partners on any tax proposals brought forward by the European Commission. The CCCTB proposal has been brewing for some time and the publication of the directive will, if anything, finally enable a constructive and forthright engagement to begin on the issue. The Member for Limerick East, Deputy Willie O’Dea, said earlier that he did not want to hear from the Government that it would engage constructively on the common consolidated corporate tax base, CCCTB, proposal. As Members are aware, the Commission can make a proposal and it is then a matter for the member states to engage with that. Not to engage with that matter would be a gross act of betrayal of national sovereignty. As a State, we have solid vested interests in ensuring this position is upheld and in ensuring that our case is put. To actively disengage from a process that is under way, at least in terms of the discussion that will occur, would not be in our national interest and would not serve the interests of this Parliament or of the Government that has been elected by it. We need to be mindful of this as the debate continues.

We have very solid data to support our scepticism of the proposal. With that data, we will ensure all of the arguments are brought to the table on what is a key issue, not just for Ireland but for Europe as a whole. Were engagement to occur, it might well be positive in that a very bright light could be shone on this matter in all of the member states, particularly in the eurozone countries, which would show the fundamental difference between the headline tax rate and the effective tax rate that applies in those states. The debate around tax harmonisation in Europe has been around for decades and we can anticipate many more years of debate before any final positions will emerge.

Since the 1950s, Ireland has used its corporate tax strategy to encourage the growth of domestic business and attract foreign direct investment. The 12.5% tax rate is critical to supporting our economic recovery and employment growth. Any move towards converging or harmonising the rate of company tax would substantially damage Ireland’s ability to attract foreign direct investment and hence our ability to grow our way to economic recovery. Furthermore, certainty is a key element desired by investors and to abandon the commitment to the 12.5% rate would be seen as a major change in policy.

Estimating the behavioural effects of a corporation tax rate change is difficult but they are significant. An OECD multi-country study found a 1% increase in the corporate tax rate

reduces inward investment by 3.7% on average, a point referred to by other Deputies. Research by the OECD also points to the importance of low corporate tax rates to encourage growth. In ranking taxes by their impact on economic growth, corporate tax was found to be most harmful.

It is important to remember that Ireland is geographically and historically a peripheral country in Europe. A low corporate tax rate is a tool to address the economic limitations that come with being a peripheral country as compared to a core country within the heart of Europe. Based on discussions with multinational corporations, it is likely that if much of the foreign direct investment that comes to Ireland went elsewhere, it would be lost to Europe entirely. Ireland's 12.5% corporate tax rate is critical to supporting our economic recovery and employment growth. It is central to our industrial policy and is an integral part of our international brand.

While much has been said concerning the fairness of the 12.5% rate, Ireland's corporate tax system is open and transparent. The clear headline rates of 12.5% for trading income and 25% for non-trading income make our corporate tax system extremely transparent to those international companies wishing to establish here. Ireland's low corporate tax system does not discriminate based on company size or ownership, and it features a low tax rate applied to a wide base. While the effective rate of corporate tax is difficult to calculate or compare across countries, studies indicate that Ireland is one of the few countries in the European Union with an effective rate in or around the statutory corporate tax rate. This cannot be said for other countries within the Union.

It is also important to note that the level of corporate tax revenue raised in Ireland is similar to other EU countries. Corporate tax revenue in Ireland in 2008 was equal to 2.9% of GDP, just above the average of 2.7% for the EU as a whole, and has been consistently higher over the past decade.

Ireland is a small open economy with a heavy concentration of foreign direct investment. There are many reasons foreign multinationals decide to locate to Ireland, with which we are all familiar. There is the access to mainland Europe, our well-educated young population and the cultural and economic links with our key trading partners. Our tax regime is crucial, as it gives certainty and confidence to business. This is why we need to get the message out, now more than ever, that there is nothing on the table that threatens our corporate tax regime.

We are committed to doing everything possible to attract and assist foreign direct investment to Ireland. Foreign direct investment in the corporate sector in Ireland is significant and substantial. Despite a relative decline since the beginning of the recession in 2008, Ireland was ranked fifth in the OECD in terms of inward investment stock as a percentage of GDP. Equally important, Ireland ranked seventh in OECD in terms of the relative size of its outward investment.

Foreign investment in Ireland is substantial in nature. A recent report ranked Ireland as the top creator of employment from foreign direct investment, relative to population size. IDA supported companies alone sustain more than 135,000 jobs in the economy. Multinational businesses, Irish and foreign owned, account for around 75% of corporate tax revenue paid in Ireland and this share has been rising during the recession as the domestic focused companies are more severely affected by economic conditions in Ireland.

In 2010, the foreign owned sector was the key growth engine of the economy. Real exports jumped by 9% year-on-year in the first three quarters of 2010. Data from Forfás show that 90% of exports from agency supported firms are from foreign owned companies, which also directly employ around 140,000 workers on a full-time basis.

We have made it clear that we would not accept any reference to the harmonisation of corporate tax rates or agree to any range of rates or minimum rate level being included in the

[Deputy Brian Hayes.]

pact for the euro which would necessitate or imply any movement away from the 12.5% corporation tax rate. Ireland could not accept any agreement or commitment in the pact to the introduction of an EU CCCTB, as this would effectively negate the value of Ireland's 12.5% rate given it would lead to effective harmonisation of rates. We would also be highly sceptical of any proposal for a common tax base without consolidation, as it cuts across national sovereignty in taxation matters, could impact negatively on certain specific sectors of the economy and would severely limit national discretion in terms of being able to change the tax base at any future date.

However, it is important, for several reasons, that our response to the publication of the CCCTB proposal would be measured. The European Commission has the right of initiative for bringing legislative proposals to the European Council and there is nothing in the treaties that precludes the Commission from coming forward with such a proposal. The proposal has been flagged for some time in the Commission's legislative proposals. In addition, the publication of the draft directive is only the beginning of a very long process. The question of harmonising company tax in the EU has been around for decades and we can anticipate many more years of work before any final proposals will fall for consideration.

The current policy environment on the issue is fluid. Many member states have become increasingly sceptical of the proposal, with very few apparently in favour of a consolidated corporate tax base where corporate profits are combined in a single pot and re-allocated based on a formula. A further key policy consideration for the Government is that we want to ensure there is a full and frank debate on the proposal among all 27 member states, as required under the treaties, before there is any suggestion of the proposal proceeding by way of enhanced cooperation among a group of nine or more member states. Accordingly, we propose to make it clear that while we are very sceptical about many aspects of the CCCTB, we are willing to work constructively with the Commission and other member states on the issue so long as the principle of unanimity on tax matters is fully respected and understood. Regarding the CCCTB proposal, we have always been aware of the Commission's intention to bring forward a proposal of this type so it came as no surprise when it published its proposal last week. A CCCTB would essentially introduce new common rules for calculating company taxation across the EU and replace the universally accepted separate accounting with arm's length pricing method for allocating group profits across borders with a rule of thumb based on each member state's share of the assets, payroll, employees and sales of any group. Each member state's share of the profits would be taxed at national tax rates, thereby preserving national sovereignty over the rate of taxation.

Although common rules across the EU would impinge on national sovereignty in taxation, it is the consolidation element of the proposal that presents the greatest threat. It proposes that the individual taxable profit or base of each company within an international group would be aggregated or pooled to form a consolidated tax base and that consolidated tax base would be reattributed to those same companies based on their presence in any member state, that presence being measured by the scale of assets, employees, payroll and sales in other member states compared to the group as a whole. This is referred to as the shared mechanism under a system known as formulary apportionment.

The proposal, as drafted, insists that each member state would preserve its right to tax that part of the tax base allocated to companies within its jurisdiction by applying its own tax rate and consequently it does not infringe national sovereignty over the tax rate. However, maintaining sovereignty over the tax rate would be rendered meaningless should our tax base be depleted under the new shared mechanism proposal. Furthermore, the proposed shared mech-

anism would lead to the effective harmonisation of rates as the group's total taxable profits would be subject to a basket of EU tax rates based on the locations of its operations.

Our strategy for the future will be to seek to express our scepticism of this proposal. Our arguments will be based on the results of our economic impact assessment which points to an overall reduction in employment and foreign direct investment in the EU under both a voluntary and mandatory proposal the Commission might bring forward. This Government's corporate tax strategy was given an overwhelming mandate by the Irish people in the recent general election. The Irish are clued in enough to know the importance of that strategy to our economic development and recovery. They also appreciate the need for us to engage with our European partners to address the massive challenges that confront not just Ireland, but Europe as a whole. For that reason our Taoiseach's message in Brussels at the last summit was clear and unambiguous as will be his message this week. Corporation tax remains a national competence and although we will engage in structured discussions on tax policy issues, we expect our national sovereignty will be fully respected.

I look forward to a constructive debate in the House on this issue which should serve as a useful addition to the Taoiseach's armoury in his discussion with colleagues later this week.

Deputy Peter Mathews: I echo the substance of the speech by the Minister of State, Deputy Brian Hayes, and underpin and underscore how important is the maintenance of a 12.5% corporation tax for this country. I wish to make two points on this motion. There are two important thrusts our Government representatives, the Taoiseach and the Minister for Finance, must make in the coming days. The first concerns keeping the corporation tax rate at 12.5%.

Remarks made by President Sarkozy last week were misleading. In France, there is an effective corporation tax rate of 8.2% even though the country's headline rate is 34.4%. Therefore, it is disingenuous, almost bogus, misleading and unfair for the president of as large and powerful a nation as France to try to insist that Ireland should step back from its current status in regard to corporation tax. There are 11 countries in the European Union whose effective corporation tax are less than Ireland's. Our headline rate is 12.5%; our effective rate is 11.9%. The eleven countries with lower effective rates include Lithuania at 0%; Luxembourg at 4.1%; Bulgaria, 4.6%; Belgium, 4.8%; Latvia, 6.5%; the Slovak Republic, 7%; the Czech Republic, 7.4%; Estonia, 8%; France, 8.2%; Cyprus, 9.4%; and Romania, 10.4%.

It is clear from even that brief picture that a powerful country is trying to take advantage of Ireland in its current demise — as an economy suffering from enormous losses following the credit bubble and the bank sector collapse — and bustle it into a corner to open up the possibility in the eyes of countries such as France of revisiting that rate of tax which, as the Minister of State, Deputy Hayes, pointed out, is core and central to employment, economic recovery, production, distribution and export of goods and foreign direct investment. It is unEuropean of President Sarkozy to try to open this discussion in the way he has done. It is very important that the European Union's founding principles are not ignored. I strongly call on the president to withdraw any suggestions or requests for a revisit to or increase in Irish corporation tax.

I turn to the second most important aspect for our country and its recovery. In coming days our Taoiseach and the Minister for Finance and their supporting teams will visit Europe to present the true picture of the losses in our banking sector and the implications of the loans embedded in our banks which are repayable to the European Central Bank, and to our Central Bank as its proxy. It is vital that our negotiating team presents new faces, facts and figures based on proper measurement of the losses. In that regard we have been told we are waiting for stress test results. There are professional people in this country who a year and a half ago were able and should have been allowed to present the true scale of losses. Including mortgage loan losses in the banking sector, these will be in the order of €100 billion. That fact must be

[Deputy Peter Mathews.]

impressed on Messrs. Trichet and Rehn and Mr. Chopra from the IMF. Yesterday, Mr. Trichet was reported as having said that Ireland can bear the sort of burden implied in the €85 billion package. It could do so if it did not have the legacy bank debt of approximately €180 billion now within the sector.

Unless there is a reduction and restructuring of that debt in the banking system — a write-down with perhaps a debt for equity swap of elements of the bank debt as suggested by Professor Karl Whelan — we will have failed our people. We must revisit this matter. I give every encouragement to the Minister for Finance who last week had the courage and the timeliness to bring that matter to the attention of Europe when he stated there was a doubt about the sustainability of the debt. That was in his opening remarks which the Minister will bring forward to the next stage of discussion. I encourage and support him in bringing that fact forward.

Acting Chairman (Deputy Jack Wall): Deputy Joe McHugh has five minutes.

Deputy Joe McHugh: I formally second amendment No. 2. I congratulate the Minister for Finance, Deputy Michael Noonan, and the Taoiseach, Deputy Enda Kenny, for being proactive in ensuring we hold on to our 12.5% corporation tax rate.

By being proactive we are sending a very strong signal that we intend to create certainty and that we are very committed to the foreign direct investment already in the country. We are also looking to ensure we can be in a strong position to attract further foreign direct investment.

Initially we should separate two issues. The debate at a European level has introduced some confusion as the common consolidated corporate tax base, CCCTB, debate has been mixed with the corporation tax rate debate. If a gentleman by the name of Mr. Sarkozy speaks about increasing our corporation tax rate and simultaneously changing our CCCTB model at a European level, confusion will come about. This will also blinker the real debate. There are different percentages of tax write-offs from France and the United Kingdom, for example, and to use accounting terminology, the books are done in different ways. We must be very clear about the CCCTB debate and separate it from the discussion concerning corporation tax.

I have been in contact with numerous people concerned with foreign direct investment in this country in the past six months, and what they require now is certainty. The Minister for Finance is trying to create that certainty. Any company, either a small or medium enterprise or one concerned with foreign direct investment, in planning or looking to expand or invest, will require a five-year plan. With all this uncertainty, such scope does not exist. It is an important point in the debate.

President Sarkozy is speaking about our corporation tax rate and at the same time there is an issue with our fishing territory, specifically relating to the different percentages of fisheries catch among the French and Spanish, for example. I am calling for us in the House to lead a more proactive engagement with MEPs across the political divide and across Europe. There must be a constructive process as a priority as the electorate is looking for something different, which was reflected in this general election. The electorate does not just demand something different on the basis of optics or pedantics; it wants a constructive conversation with European counterparts. Currently there is uncertainty regarding the euro and the further expansion of the EU so we must engage more constructively with MEPs at a European level.

The Taoiseach and members of my parliamentary party will continue with this dialogue. A colleague and Minister, Deputy Simon Coveney, has already started that debate because he had the opportunity of being an MEP and being in this House as a member of the Opposition.

He is now in a ministerial portfolio but has rich experience which we should tap into. We must be a country which leads. We are already doing it at a ministerial level through Deputy Michael Noonan and the Taoiseach and we must continue it through with our colleagues across Europe. It is important for this to contribute to certainty that is needed as currently, companies involved in foreign direct investment and multinationals are unable to have a proactive and positive outlook for the future.

Deputy Joe Costello: I welcome the opportunity to speak to the motion and compliment Fianna Fáil on proposing it tonight. We have a new Government with new priorities; the two fundamental priorities articulated in the Government's joint manifesto are to ensure that we renegotiate the bailout — a dismal piece of negotiation where no Minister was involved — and the creation of a budget for job creation within the first 100 days of the Government. Those two pillars of the joint manifesto are linked; we must renegotiate the bailout deal and ensure there is domestic growth in the economy.

The negotiation to date has been something of a standoff in that there is an offer of a 1% discount if we give up our 12.5% corporation tax rate. That is not a negotiation. Some of the people who strongly favour a change to the 12.5% corporation tax rate, including Mr. Sarkozy and Ms Merkel, are seeking a gesture in the process. That is unsatisfactory. We all remember the Lisbon treaty and legal assurances and guarantees given to Ireland at the time. They were very specific in wording, which was that: "Nothing in the Treaty of Lisbon makes any change of any kind for any member state to the extent or operation of the competence of the European Union with regard to taxation."

The European Union has no specific competence regarding taxation and any changes which may take place must come about unanimously. It was clearly understood that the competence relating to taxation rested solely in each individual member state, and that remains the case. We must ensure that is the outcome of any negotiations and that any reference to our corporate tax rate is not used as a bargaining tool relating to the items discussed. The current Government parties in the 1990s articulated for the first time a 12.5% corporation tax rate and the current Government must stand firm on the matter.

The sooner we begin to move the issue from the nitty-gritty to the broader issue, which is the relationship between this country and the European Union, the better. This country does not stand on its own but is an integral member of the European Union. There is solidarity and that is the basis on which the European Union was founded; it should also be the basis on which we move forward but we have departed from this in recent times, particularly in our financial relationships. The mission statement was both a social and economic common market statement in its initial formulation and it is now time for us to begin the process of establishing relationships in the European Union which have been neglected over the years. As a result we have found ourselves isolated in many ways and that process must change. Diplomatic relationships must be repaired and ordinary neighbourliness and good friendships must be established. Our Ministers, rather than officials, must go to Council meetings and we should change the way we do business relating to the European Union here.

We must ensure that the European Union takes responsibility for the position of the number of countries in the European Union and here. It cannot simply wash its hands and argue that our current position is purely the responsibility of individual member countries. It has been responsible as an entity for much of the difficulty seen in the economies of several countries. It is time for us to broaden the debate into a dialogue. A new environment must be created to deal with the economic crisis and address again the single currency, an issue that needs to be reviewed and revisited and for which new structures need to be established.

Deputy Pearse Doherty: Tá mé buíoch go bhfuil deis chainte agam ar an ábhar seo anocht. I dtús báire, ní cóir dúinn bheith san áit ina bhfuilimid anocht ar chor ar bith. Táimid anseo siocar go bhfuil polasaí lochtach glactha ag an Rialtas deireanach ó thaobh an phacáiste a fuair muid ón AE agus an IMF agus an polasaí lochtach a bhí ag an Rialtas sin agus páirtithe atá san Rialtas nua ó thaobh Chonradh Liospóin. Tá an bheirt acusan ceangailte le chéile ó thaobh an bhrú atá an tAontas Eorpach, ná go leor tíortha san Aontas, ábalta a chur anois ar an tír seo agus sinn ag déileáil le cáin chorparáide agus le CCCTB.

Táimid in áit níos laige ná mar a bhíimid in am a chuaigh thart mar go bhfuil a fhios ag an Aontas Eorpach cúpla rud. Tá a fhios aige, mar gheall ar chonradh Liospóin, go bhfuil athruithe ar na rialacha agus gur féidir an cháin chorparáide a bhogadh ó áit a raibh cros againn ann go dtí QMV. Tá a fhios aige gur chaill pobal na tíre seo an deis cur ina éadan sin i reifreann mar gur thug muid cead dó sin a tharlú i gconradh Liospóin. Tá a fhios ag an Aontas fosta go bhfuilimid i ndrochdhóigh ó thaobh cúrsaí eacnamaíochta de agus go bhfuil an tír briste maidir le hioncam agus caiteachas agus go bhfuilimid anois ag lorg an tacaíochta agus nach féidir déanamh gan an tacaíocht sin atá ag teacht ón taobh amuigh. Tá a fhios ag an Aontas nach bhfuil an Taoiseach agus an Rialtas sásta seasamh go láidir agus iad ag déileáil leis na comhráití sin, cé go ndeir siad go bhfuil siad ag seasamh an fhóid, ag rá go gcuirfidh siad an t-ualach sin ar na daoine ag a bhfuil na bannaí sna bainc. Mar gheall air sin, tá a fhios ag lucht an Aontais gur féidir leo níos mó tharraingt as an Rialtas seo agus an rud atá ar an tábla ná an cháin chorparáide agus an CCCTB.

Cé nach raibh mé sa Dáil nuair a pléadh an cheist seo cúpla mí ó shin, cuireann sé in iúl dúinn na tosaíochta atá ag na páirtithe eile nuair atá an rún seo le plé sa Dáil don dara huair taobh istigh de sé mhí. Tá sé uaire díospóireachta caite againn ag plé cánach corparáide do ghnóanna móra. Tá tábhacht faoi leith ag baint leis an cheist seo, níl dabht ar bith faoi sin, agus dá mbeadh orainn an cháin sin a ardú, chaillfaí poist agus FDI agus bheadh laghdú ann sa GDP agus a leithéid.

Léiríonn sé fosta an tábhacht atá ag baint leis an cheist seo nuair a chuirtear i gcomparáid leis an méid ama a bhí againn ceisteanna móra tábhachtacha eile atá ag daoine mar an universal social charge, an Bille Airgeadais nó an Bille Leasa Shóisialaigh. Bhí mise sa Teach nuair a rith muid an Bille Leasa Shóisialaigh laistigh de chúpla uair an chloig. Caithfear níos mó ama ag déileáil le ceist chánach nach bhfuil fiú ar an tábla ag an phointe seo, dar leis an Rialtas.

É sin ráite, cuirim fáilte roimh an deis agam cúpla focal a rá. The position in which Ireland finds itself regarding corporation tax should not have arisen in the first instance. Our European partners are trying to bully us into increasing our corporation tax. As a *quid pro quo*, they will reduce the amount by which they are fleecing us under the European Union's portion of the bailout fund. They are aware, for a number of reasons, that Ireland is in a weakened position. They know, for instance, that the Government could allow corporation tax to be set at an EU wide level through the process of qualified majority voting. This option was not available prior to the passing of the Lisbon treaty as such a move previously required the consent of citizens in a referendum.

During the campaign on the Lisbon treaty, it was claimed that attempts were being made to muddle the issue of corporation tax. We, on this side, who successfully campaigned against the first Lisbon treaty referendum, know that Ireland retains a veto, one which lies in the hands of the Government, however. Before the Lisbon treaty was passed Ireland held two vetoes. At present, the Government may give up its veto by allowing the issue of corporation tax to be decided by a qualified majority vote. Before the passing of the Lisbon treaty, however, the Government was required to seek, in a referendum, the consent of the Irish people to take any such step.

Our European partners also know that the State is hovering on the brink of insolvency. The refusal of the Government to categorically state it will put the interests of Irish people first, including by means of enforced burden sharing on bondholders, has left our partners in Europe in no doubt that our position is weakened. As a result, they will try to force more concessions from us. Like any back street lender who offers cash up front, our partners will ensure the financial cost will be severe in the long term. This is evident in the proposals we have seen on corporation tax and in the interest rate applied to the bailout fund.

Last but not least, our partners have the mother of all Trojan horses in the form of the common consolidated corporate tax base, CCCTB. Much of the debate has focused on Ireland's refusal to increase our corporation tax rate of 12.5%. Sinn Féin will support the Government in its efforts to resist attempts to pressurise and bully us into ceding sovereignty on this issue. However, while the Government is battering down the hatches and securing the perimeter to prevent our EU partners from coming in and forcing us to increase our corporation tax rate, we forget that the Trojan horse — the common consolidated corporate tax base — is right in front of us. If the CCCTB comes into effect, one of the options available to Ireland will be to voluntarily increase our corporation tax rate in response to a significant decline in revenue from corporation tax.

The Minister of State indicated that the Taoiseach would not allow any reference to the common consolidated corporate tax base to be included in the pact for the euro. Having read the conclusions from the meeting of Heads of Government, it is clear the Taoiseach has signed up to issues related to the CCCTB.

The common consolidated corporate tax base will have a severe impact on certain countries. While there will be winners and losers, it is clear that Ireland will fall into the latter category and will probably be one of the biggest losers. This view is also expressed in a study done by Ernst & Young and commissioned by the Department of Finance. It found that some member states will be faced with difficult political choices if they participate in the CCCTB. The three choices facing Ireland if it were to decide to participate would be to reduce public expenditure — this is already the case and God forbid we would have to make further reductions — increase corporate tax rates or increase tax on households, as is also being done. These are the three stark choices a report commissioned by the Department of Finance——

Deputy Brian Hayes: Sinn Féin wants to increase tax rates.

Deputy Pearse Doherty: No, we do not.

Deputy Brian Hayes: It did.

Deputy Pearse Doherty: That is not the case.

Deputy Brian Hayes: It campaigned on the issue of increasing corporation tax in a previous general election.

Deputy Pearse Doherty: No, we did not. I ask the Minister of State to show some manners and listen to the debate. He should check the Official Report to ascertain which way Sinn Féin voted on the issue.

Deputy Brian Hayes: It is in the Sinn Féin manifesto.

Deputy Pearse Doherty: It is not in our manifesto. I can discuss the matter with the Minister of State later.

Deputy Brian Hayes: It was in the party's 2007 manifesto.

Deputy Pearse Doherty: The Minister of State is getting uptight because a Department of Finance report sets out the options available to the State if the CCCTB is introduced. Given that he informed the House his Government will not allow the CCCTB to be introduced, there is no reason for him to become uptight.

The Ernst & Young report was commissioned long before Ireland entered into an austerity pact with the European Union and International Monetary Fund and the scorched earth policy of cuts was implemented. Given that states such as Ireland will lose corporate tax revenues, to balance their budgets they must either decrease transfers to households which, according to the report, means reducing social welfare transfers and payments to the sick, vulnerable, blind and incapacitated, or increase the corporate tax rate. We know from reports that this has a negative impact on the economy in terms of unemployment rates. I am sure we are all agreed that the unemployment rate in this State, which stands at 14.7%, is too high. Many people are choosing to leave this State because they cannot find work here. The Department of Finance report shows that voluntary acceptance of the CCCTB will increase unemployment by a further 0.5%. It is hypocritical of the Government to sign up to a pact that is supposed to increase employment but which will further exacerbate the problem in struggling economies such as Ireland.

The Taoiseach told this House a few hours ago that he, on behalf of the State, would be supporting the pact for the euro which would be before the European Council this week. The pact is set out in the statement made by the Heads of State and Government in the euro area on 11 March. The Taoiseach signed up to that pact from which I will quote a statement for the benefit of the Minister of State. It reads: "Developing a common corporate tax base could be a revenue neutral way forward to ensure consistency among national tax systems while respecting national tax strategies and to contribute to fiscal sustainability and the competitiveness of European business." That is what the Taoiseach on behalf of this State signed up to.

I listened with interest to the Minister of State's contribution. Obviously, we do not what happened because we were not at the meeting. However, the public document issued following that meeting sets out the conclusions of the meeting to which the Taoiseach was party. The question that must be asked is how the common consolidated corporate tax base will be revenue neutral when, as I mentioned, it will drive down employment, force more people onto the dole and further decrease our GDP. It is estimated in other reports that the decrease in GDP to this State would be of the magnitude of 3%.

The Minister of State may say the Government is opposed to the introduction of the CCCTB. The Fianna Fáil motion before the House states that we are opposed to any Irish participation in proposals to introduce a consolidated corporate tax base within the eurozone or the European Union as a whole. This does not prevent the Government from involving itself in discussions with European partners on the matter. It is a fixed position by the Dáil that we are opposed to such a move. However, the Government has not accepted the motion. It does not want unanimity on this matter. The Government has proposed an amendment to the motion which deletes the section which states we are opposed to the CCCTB and inserts instead wishy-washy words to the effect that we will deal with this with our European partners through negotiation. If we are opposed to this then let us in our vote on the matter, given the Government's overwhelming majority, be as clear and categorical on it as the Government wishes us to be on the retention of our 12.5% corporation tax rate. If not, the message that will be sent from this Chamber tomorrow night following the vote on this motion will be that the CCCTB issue is up for grabs. That is clear not alone from the amendment to this motion but from the conclusions reached at the meeting which took place on 11 March to which the Taoiseach was party. There are other reasons to be sceptical about all of this, to which I will come in due course.

Sinn Féin does not accept Ireland being dictated to by the IMF or EU on taxation or other aspects of domestic economic policy. This includes being asked or forced to increase our corporation tax rate. Sinn Féin, unlike the proposers of the original motion and the two Government parties, is consistent on these matters. We have stated that we will reject, and call on the Government to reject, the financial conditions attached to the IMF-EU assistance package. As I stated earlier, the Lisbon treaty, which surrendered further control of this State to Brussels, plays a part in all of this because it has removed us from the position of having had a second veto on corporation tax. Our European partners know this all too well. That conceding of sovereignty now appears irrelevant in the context of the abject surrender to the EU-IMF.

There is an element of hypocrisy in terms of the “wrap the green flag around me” approach to our corporation tax. It is a serious issue, one on which we should not be dictated to by Brussels or anyone else. As stated by Sinn Féin when this motion was tabled by Fine Gael during the last term in office of the previous Government, there are many other evils that have been or will be visited upon us as a consequence of the bank bailout. As I said earlier, this motion, which deals with a hugely important issue for the Irish economy, will be debated in the House for six hours. The social welfare Bill, which crippled ordinary people who are dependant on support from the State, was rushed through this House. The finance Bill, which introduced the universal social charge was also rushed through with little debate in the House yet the priority of parties is to continue to raise this issue. I accept their right to do so in their own time.

The question that must be asked, following examination of the assistance package is whether it is now the position of Fianna Fáil, Fine Gael and the Labour Party that it is all right for the IMF and EU to dictate economic policy; to insist that we sack thousands of public sector workers and that we sell off State assets but that they are not allowed to ask us to raise our corporation tax rate. From Sinn Féin’s point of view, none of these is acceptable. The IMF-EU should not be allowed to dictate in any way, shape or form our economic policy.

I pose the following question to the Labour Party. Does it now agree with Fianna Fáil and Fine Gael that the State’s economic policy, apart from corporation tax, should be dictated by Europe or will it continue to use the excuse that it has been placed in a straitjacket and has no choice but to do the horrible things to which it objected when on this side of the House only a few short weeks ago?

What we should be doing here tonight is expressing with the same vigour as we do our objection to bullying by other members states on increasing our corporation tax, our opposition to the destruction of our public services and the sale of Coillte, Bord na Móna and the ESB. In that at least Sinn Féin is consistent. Being forced to raise our corporation tax at the present time would constitute another turning of the screw by our friends in Europe, the same friends who Fianna Fáil, Fine Gael and the Labour Party assured us during the referendum on Lisbon had our best interests at heart. We now know from the interest rate applied that that is not the case. It is apparent, in terms of the bank bailout and the strong arming in respect of our corporation tax, that depending on our friends in Europe is a little like befriending Tony Soprano, namely, they may have interesting cuisine and wear sharp suits but when it comes to the bottomline they are only interested in their own selfish strategic interests.

That this issue has been before this House twice in the past couple of months emphasises the importance of our being able to attract overseas investment and the fact that we do not have a properly resourced or developed indigenous sector. It is for this reason, we over-rely on foreign direct investment. Foreign direct investment is always welcome. I would like if there was some of it in my constituency of Donegal. However, we may have to wait a while before

[Deputy Pearse Doherty.]

that happens. This policy was pursued by former Taoiseach, Seán Lemass at a time when those in Ireland with wealth refused to invest in our structural development.

The common consolidated corporate tax base is the Trojan horse. It is one on which this Government should not concede because to do so will severely damage our economic fortunes.

Earlier, I stated that I was sceptical of this Government's intentions with regard to the common consolidated corporate tax base for several reasons. These include the statement of the Heads of State which the Taoiseach signed up to on 11 March. The Government has tabled an amendment stating that we are opposed to the CCCTB and because MEPs from Fine Gael and the Labour Party voted for the Bersani report which dealt with the issue of CCCTB. This issue has been discussed in Europe since the early 1990s and there have been several reports on the matter, including the Bersani report. The motion stated that the European Parliament:

[R]egrets that some member states still reject the need for greater co-operation on tax matters, in particular with regard to the tax bases applicable to companies, bearing in mind the fact that co-ordination between the member states with regard to company taxation is one of the instruments laid down in the integrated guidelines.

It goes on to state that the Parliament "stresses the importance of adopting a common consolidated tax base which will fulfil the requirement of greater integration in the internal market". This is what Fine Gael MEPs voted for at European level along with Proinsias de Rossa, MEP, and others within the Labour Party. This Government will allow the Trojan horse of the CCCTB to enter the fray and this will cause serious financial pressures on the State which, in turn, will result in one of the three options which I outlined earlier and which were outlined to me by the Department of Finance.

Debate adjourned.

Adjournment Debate

Schools Amalgamation

Deputy Mattie McGrath: As an elected representative for south Tipperary and west Waterford and a strong advocate for the protection of rural Ireland, I have major concerns with regard to any proposal dressed up as a value for money review that will further close small rural schools. Small primary schools are at the centre of life in rural communities and it would be detrimental if these schools were to be downgraded or diminished in any way. To ensure rural communities are kept alive we must ensure families have access to primary education in their communities.

Small schools represent excellent value for money and should be encouraged and supported. They offer excellent learning conditions in which young children receive more attention. Pupils spend several years with the same teacher and it is a good deal easier to monitor progress and identify any problems that may arise, including learning difficulties. Children receive a much broader social education since they are given responsibility to look after younger children through mentioning schemes and they get involved in community projects such as Tidy Towns, art projects and many environmental schemes which lead to an enhancement of the community. The teachers encourage links with their community and promote social and extra-curricular activities within the community, such as involvement in the GAA, other sports and disciplines and competitions such as Scór and many varied, new and developing projects. Also, the

students and their families have a strong sense of place and belonging, which is important in this day and age.

Distance and travel costs arise also. The closure of small primary schools will lead to increased travel costs. In the past, free transport was provided to students of amalgamated schools. However, we are all aware of inconsistencies. Schools were amalgamated, including many small schools in my parish and neighbouring parishes in the 1960s and 1970s. This had a detrimental effect on these communities. Transport was organised. We now know that the fuel costs of such transport is prohibitive for parents. They may have to drive to the larger schools themselves.

The wider community is enhanced by the presence of a small school both in terms of the employment provided and the sense of community that they instill. The school is regarded as the lifeblood of the community and is often the only meeting place or place of activity in these small rural communities. The closure of such schools would result in the lifeblood being removed from small rural communities. At a time of high unemployment and emigration on our shores, protecting the life and spirit of rural Ireland must have a high priority.

Many schools in my area are concerned about this issue and they are engaging with the review. However, this review is dressed up and those involved believe it will spell the death-knell for their schools. They remain concerned. Many schools, including Burncourt, Ballydrehid and Cullen national schools, are affected. Skeheenarinky school celebrated 150 years of teaching in 2008. Past, present and future generations gathered together for a wonderful weekend of celebrations. It is impossible to put a monetary value on the contribution that this small school has made to students, the education of the community and society at large over the past 152 years. However, small schools such as Skeheenarinky national school represent excellent value for money and should be encouraged and supported.

I appeal to the Minister to ensure this review is fair and understanding, that it will be in-depth and that all the submissions made by the schools, parents councils, boards of management and individuals families and parents will be taken note of and listened to. We have lost too much in rural Ireland. We have lost much of the intrinsic lifeblood of our rural communities. This has been seen in the past. I trust the officials and mandarins of Marlborough Street in the Department of Education and Skills are aware of this. Many problems arose when schools closed in the past. Under the Croke Park agreement teachers can be moved around with their agreement. We are rightly worried.

We hope the review will be fair and decent and that it will not be dressed up in other clothes or disguised in order to get rid of what is good and often wonderful. These schools have been at the heart of communities and have provided much valuable education to families in isolated rural areas for generations. I appeal to the Minister, Ministers of State and others across the House to listen and to cry "Halt!" before it is too late.

Minister for Education and Skills (Deputy Ruairí Quinn): I thank the Deputy for raising the matter since it affords me the opportunity to outline to the House the current position regarding the value for money review of small primary schools. Ireland has a high proportion of primary schools relative to our population and also has a high proportion of small primary schools. This review was commissioned by the former Fianna Fáil and Green Party Government to establish the value for money being achieved from State funding of small primary schools. This value for money, VFM, review is part of the review processes undertaken by Departments on an annual basis on selected areas of expenditure.

The focus of the current review is especially on the smallest category of school, that is, schools with less than 50 pupils. The terms of reference for the review are published on my

[Deputy Ruairí Quinn.]

Department's website. Among other things, the review seeks to examine the scope for alternative policy or organisational approaches to improve efficiency and effectiveness of provision in terms of school size, to identify potential implications of such alternative arrangements and to make recommendations as appropriate. I expect the review will be completed by the end of this year.

The value for money review commenced in October 2010 under the direction of the then Tánaiste and Minister for Education and Skills, Ms Mary Coughlan. The views of stakeholders are important in the process of the review. Public consultations have been taking place to obtain the views of small schools, parents and communities. In addition, direct invitations were issued to interest groups such as the school patron bodies, management bodies, teacher unions, Irish language groups and other groups which operate in the area of social inclusion. A large response has been received to the consultations. I understand that Deputy McGrath has participated in the consultation process as well.

In considering any future policy or organisational changes relating to small schools, I am aware that the majority of the small schools are located in rural areas. There will be a wider dimension to be considered in addition to simply the cost of maintaining small schools. Local communities are proud of their schools and will make strong arguments to retain them. Among the many issues that will need to be taken into account are the impact of the schools on dispersed rural communities, the question of parental choice, the availability of diversity of school provision and also the cost of school transport.

Educational quality for the pupils must be one of the main criteria in any consideration of primary school size and organisation, taking into account the needs of local communities and wider social and cultural factors. Decisions on school provision and reorganisation must be widely perceived to be cost-effective, equitable and reasonable. These decisions need to be based on a rigorous evaluation of requirements and needs, not only at a local level but also at regional and national levels. I do not have a predetermined view on the outcome of the review. I plan to consider the review's outcomes when they are finalised. My consideration will take place in the context of the resources available to the Department and the other factors I have outlined. I thank the Deputy for raising the matter.

Social Welfare Benefits

Deputy John O'Mahony: I thank the Ceann Comhairle for selecting this important issue for the Adjournment debate. I also thank the Minister for attending to give her reply. Since it was not the case with the former Government, I welcome this development.

The rural social scheme, RSS, was announced by the former Government in 2003 and launched in 2004. Its aim is to provide income support for farmers and fishermen in receipt of specified social welfare payments. The scheme provides certain services of great benefit to rural communities. It allows low income farmers who are unable to earn an adequate living from their holdings to earn supplementary incomes. In return, local communities benefit from the skills and talents of participants while those participants experience opportunities to develop new skills and perform valuable work in their communities. Some of the projects include coaching children in local national schools, village and countryside enhancement projects, care of the elderly and preschool and child care groups. People work for 19.5 hours per week, which fit in around the work on their farms. Much of the work done on this scheme is the work of many agencies, such as the HSE and local authorities. The RSS has been a success. My constituency, County Mayo, has the country's largest participation rate with 547 participants, some 21% of the national total. It is important for the economic and social well-being of the community.

I raise this matter because, on the instruction of the outgoing Minister for Social Protection dated 25 February, which was election day, all participants on the scheme received letters asking for detailed information about the income and expenditure figures for themselves and their spouses as well as P21 notices of assessment from Revenue for the most recent tax year. They were also asked for the details of their or their partners' savings in banks, post offices and credit unions. All of this information was to be returned by yesterday. They were told that, if they did not return the information on time, they would not be able to renew their RSS contracts. At the bottom of the document was a warning to the effect that, if false information was given, people would be liable to a fine or prison term.

I need not tell the House that these letters caused fear and anger in equal measure among those who received them. Last week, I attended a public meeting of 170 participants in Ballindine where there was outrage at the short notice and the cynical approach taken. Many of the scheme's participants were asked to apply at its launch. They were promised they would be able to remain in the scheme until they were 65 years of age provided they continued farming. There was no mention of means testing. It must also be remembered that, during the Celtic tiger years, some people were begged to apply to the scheme even though there were other opportunities available to them, albeit ones that have long since gone.

I will suggest a few adjustments to take into account the cynical way in which the circulars were sent out and the demand to have them filled in a short period. The deadline for returning information should be extended. A derogation should be given to existing participants. The form also seeks information on the RSS worker's spouse or partner. If the worker is not claiming for a spouse, this information should not be necessary.

Minister for Social Protection (Deputy Joan Burton): I thank the Deputy for raising this matter, as I understand the importance of the issue for the scheme's participants. The RSS provides income support for farmers and fishermen and fisherwomen who are in receipt of certain social protection payments. In return, those participating on the scheme are engaged in supporting the provision of a broad range of services of benefit to rural communities.

The RSS is delivered through 35 local development companies across the country and by Údaras na Gaeltachta in Gaeltacht areas, commonly referred to as RSS implementing bodies. Given what the Deputy has outlined, he will be aware of the quality and diversity of services that are supported by the 2,600 participants and 130 supervisors employed with the support of the scheme. Participants are contracted annually to work 19.5 hours per week, with these hours worked in a manner that meets the personal and farming requirements of the participants. Continued participation on the scheme is limited to those who continue to be entitled to the underlying social protection payments. While it is not intended that each participant will remain on the scheme indefinitely, there is no definite time limit for participation once the underlying eligibility for social protection payments exists. Eligibility for the scheme is limited to those previously in receipt of farm or fish assist or, if actively farming or fishing or where proof of farming activity is available, one of a range of other social protection payments, such as job-seeker's allowance, one-parent family payment, certain pensions or jobseeker's benefit, if previously engaged in the community employment or rural social schemes within the previous 12 months. Spousal swaps are allowed in the case of an eligible person not wishing to participate.

Given the nature of the underlying qualifying criteria, participants are required to confirm that they continue to be eligible. Therefore, in advance of the annual review of contracts for the scheme, the Department of Social Protection requested that each participant make a declaration of means. As set out by the former Minister for Social Protection, this inquiry was issued at the end of February with a request that the declaration be returned to the Department by

[Deputy Joan Burton.]

the close of business on Monday, 21 March. As of today, the Department estimates that of the order of 2,000 declarations, three quarters of the total number of returns expected, have been received.

I will address any concern that participants might have in respect of this activity. Those whose means confer entitlement under the various social welfare payments that provide access to the RSS will have these entitlements confirmed by this exercise. Where a person's means indicate no further entitlement, he or she will have the right to have any decision of the Department in respect of his or her continued engagement on the scheme independently reviewed. Those participants who have not returned a declaration will receive a reminder within the coming days to complete the process as soon as possible. In the event that a declaration is not returned, the Department will not be in a position to authorise the RSS implementing bodies to offer a renewal of a contract. My Department is available to offer assistance to any participant who needs advice with completing the declaration. Assistance is also available from the Department's local office network in addition to the support offered by each of the implementing bodies.

The requirement to prove continued eligibility is consistent with the outline of the scheme and with general practice across all social protection payment schemes. In the event that any participant should be found ineligible to continue on the scheme, this will open the opportunity for positions to be filled by other eligible candidates.

I value the work done and contribution made by the scheme's participants. The RSS is popular with qualifying applicants. People, particularly those who have not completed the form for one reason or another, would be advised to do so. They will find that the Department of Social Protection is anxious to help them.

Departmental Offices

Deputy Seán Conlan: On Tuesday, 15 March, it came to my attention that, under the local office reorganisation plan, the departmental offices at Ballybay, Birr, Monaghan town, Mullingar and Portlaoise were to close from 20 May 2011. Regional offices are to be established within the next two months in Cavan town, Naas and Tullamore. In the meantime, the personnel division along with the local office line managers will make arrangements to visit the local office. This decision needs to be reviewed. I have studied the issue and I have examined when the decision was made. I believe it was made in July 2009 by the previous Minister but I would like this to be confirmed. However, it needs to be reviewed for a number of reasons. The terms of reference for the original reconfiguration need to be examined and a cost-benefit analysis of the proposed move needs to be conducted. It is my understanding the office will be closed to the public but the staff will remain in the office and, therefore, there is no saving in closing the public office.

The facility benefits the State in that the veterinarians based in Ballybay provide a disease control service along the Border and for every farmer in County Monaghan. People may not realise that the distance between north and south Monaghan and Cavan town is approximately 50 miles. A cost-benefit analysis is needed because the veterinarians operating out of Ballybay have to drive to Cavan in the morning, clock in, return to Ballybay to carry out the tests and then drive back to Cavan in the evening. They will incur substantial travel expenses. The Ballybay office is unique because the export mart is located beside it. Monaghan exports more live cattle and poultry than any other county in the Republic.

Cost is a major issue. What cost a brucellosis free State for the farming community? The DVO in Ballybay is seven miles from the Border and Keady in County Armagh where there is a brucellosis problem. I am not sure people in the Republic know this but the veterinarians in the Ballybay DVO are fully aware that many farmers along the border between counties Monaghan and Armagh own farms on both sides of the Border and some farms straddle the Border. They can keep a close eye on cattle movements along the Border and that is why we have our disease free status.

I do not see any rationale for moving the frontier back towards Cavan town, which is many miles removed from the Border. Monaghan has the longest border with Northern Ireland of any county in the Republic. There is an opportunity to review this decision. It should be reviewed and I want to get to the bottom of why the decision was made in the first place. That is why the terms of reference for the original reconfiguration need to be examined. Offices will be located in Cavan town, Naas and Tullamore and I do not understand the rationale behind these locations, especially in a regional context.

I refer to the all-Ireland disease free status. Ballybay is centrally placed, as it is surrounded by counties Fermanagh, Tyrone and Armagh. If we want to achieve this status, the town would provide a centrally placed office from which veterinarians could operate. If we could get rid of the partitionist mindset in the long term and start to consider this issue in an all-Ireland context, Ballybay would be a centrally placed office in which to have the veterinarians situated. The reason they have not been moved is that there is no physical space for them in the Cavan office. There would have to be substantial capital investment to house them there. Can we afford as a nation to spend this money when an office is available in Ballybay? The files stored in Ballybay were taken to Sligo last October. It makes no sense to store files in Sligo for an office that is supposed to be located in Cavan when they were perfectly well contained in the Ballybay office.

I would like the decision to be reviewed and the terms of reference of the reconfiguration to be examined again. The decision should not be implemented. I understand the previous Minister made the decision and I would like clarification in this regard as well.

Minister of State at the Department of Health and Children (Deputy Kathleen Lynch): I am replying to the debate on behalf of the Minister for Agriculture, Fisheries and Food and I thank the Deputy for raising the matter. I hope the reply clarifies the process that has been undertaken. As part of an ongoing process of reviews of key areas of departmental activities, the structure of the Department's network of local offices was reviewed in 2008-09. Following extensive internal analysis of the various options, a substantial programme of rationalisation was agreed by the Minister in July 2009 and these proposals were endorsed by the Government on 15 July 2009.

This restructuring of the Department's geographic and regional spread was geared towards enhancing service delivery to farmers and to the agrifood sector generally. This was achieved through widening the scope and availability of services at all offices and by combining under one single geographic location the services that were previously delivered in various locations in respect of district veterinary operations, forestry operations and agricultural environment and structures support services. The benefits of this concentration of resources and professional expertise at all regional offices has provided customers with access to services at any of the regional offices within the network and not just the office where the customer is resident, as was the case in the past.

Under the Government approved plan, instead of having a presence in every county, or more than one in many counties, a new regional structure of 16 offices will replace a total of 58

[Deputy Kathleen Lynch.]

separate office locations throughout the country. This plan is in its final phase and is due to be completed within the next two months. Under the plan, 13 of the 16 regional offices have been established at Castlebar, Clonakilty, Cork city, Drumshanbo, Enniscorthy, Galway, Navan, Limerick, Raphoe, Roscommon town, Tipperary town, Tralee and Waterford city. By the end of May, following the establishment of regional offices at Cavan, Naas and Tullamore, it is expected that the full 16 regional office network will be complete and 38 offices will have closed to the public. The DVO element of the Department's Ballybay office will transfer to Cavan as set out in the 2009 plan, although this office will continue in operation engaged in other activities on behalf of this Department and the Department of the Environment, Heritage and Local Government.

The reorganisation of the various activities of the Department over recent years has been a key driver in reducing its overall cost base. Since 2005, the Department has reduced its staff by almost 1,500. Changes have led to the redeployment of approximately 400 staff to other Departments, including the Department of Justice, Equality and Law Reform for the operation of the PULSE system in Castlebar, and to local offices of the Department of Social Protection and, to a lesser extent, other Departments. In addition, a further 600 staff were redeployed internally to new and expanding work areas, including the single payment scheme and the implementation of new environmental, food safety and animal health controls required by the EU.

These savings were identified as a result of the effects of changes in the Department's work practices, improved business processes, the greater use of computerisation and the wind up of livestock offices. They reflect many of the changes in policy direction arising from CAP reform, the continued implementation of the Department's decentralisation plan, the findings of the organisational review programme and the objectives set out in the Government's Transforming Public Services programme.

The internal reviews carried out into the Department's operations have highlighted changes in the workload of the local office network arising from a significant decreases in the incidence of animal diseases; CAP reform, which gave rise to significant changes in the nature of farm-related schemes and services and the consequential manner in which these are delivered; significant investment in information technology, especially in the areas of animal health and welfare, customer management, animal movement identification and the management of field inspections; reduced footfall in offices nationwide driven by greater levels of in-house efficiency and improved online services to customers; and advances in broader infrastructural areas such as transport and communications.

Bearing these changes in mind, the aim of the local office reorganisation is to rationalise the overall number of locations across the country to facilitate the more efficient management of schemes, services and disease levels and to enhance services to clients of the Department. In addition, there are significant savings in the resources deployed to these activities.

The financial savings from the reorganisation of the local offices are very significant and for 2011 the reduction in running costs amount to some €20 million and the reduction of more than 250 staff. For 2012, the reduction in running costs is expected to be some €30 million with an overall reduction from the programme of over 400 staff.

I take this opportunity of expressing my appreciation to the staff in local offices for their contribution to the work of the Department and to their continued commitment to providing a quality service to all its stakeholders. I would also like to assure this House and the Department's key clients of our continued commitment to providing an exemplary support service

across all areas of departmental activities, which I strongly believe will be best delivered through continued reform and innovation. I thank the Deputy for raising the matter.

Hospitals Building Programme

Deputy Joe Costello: The good news in the programme for Government is that the national paediatric hospital will be built during its term. However, the saga of the national paediatric hospital continues. The Minister for Health and Children has indicated that he intends to review the decision to locate the hospital on the campus site of the Mater hospital. The original project started as a relatively modest proposal to upgrade the Children's University Hospital in Temple Street in 1984, almost 27 years ago. I know all about it because at the time I was chairman of Save Temple Street Children's Hospital.

A site was obtained on the campus of the Mater hospital for a new children's hospital to replace Temple Street hospital. Plans were drawn up and approved by the Department on two previous occasions and each of them was shelved. On New Year's eve 2006, the then Tánaiste and Minister for Health and Children, Mary Harney, pulled the plug on the most recent set of proposals just before the tenders were due to be opened for the Temple Street redevelopment on the Mater hospital site.

A special task force was established which proposed a world class national paediatric hospital as the way forward. This hospital would be located on an adult hospital campus and would require a co-location with a maternity hospital for maximum benefit for the children. The Mater hospital campus, in association with the Rotunda Hospital, was chosen by an expert committee as the most suitable location for the new hospital. It is difficult to see any other hospital campus fulfilling the required criteria in a more medically effective manner.

The National Paediatric Hospital Development Board was established in May 2007 and the integrated design team was appointed in October 2009. The planning process is going ahead under the Planning and Development (Amendment) Act 2010, which applies to major health infrastructure proposals. From the early days of the Temple Street redevelopment €400 million had been set aside, or approximately three quarters of the cost of the project, to deal with that particular development and I understand that money is still available.

It is crucial that the review of the decision to locate the national paediatric hospital on the Mater hospital site is dealt with urgently. The children and the parents of the children in the existing children's hospitals deserve the service of an integrated world class child care facility, and that can only be provided now with the early construction of the national paediatric children's hospital. I urge the Minister of State that whatever review takes place does so at a very early stage and that this project is not put on the long finger. It has been long-fingered for over a quarter of a century and we cannot allow that continue in the interests of the children of this country.

Deputy Kathleen Lynch: I am taking this Adjournment matter on behalf of my colleague, the Minister for Health and Children, Deputy James Reilly. On his behalf I thank the Deputy for raising this matter on the Adjournment.

Enhancing quality care for Ireland's children and young people is a priority for the Government. It is the primary driver for developing the new children's hospital. It is widely accepted within the paediatric health care community that the sickest children requiring access to highly specialist professionals, equipment and facilities can only be accommodated in one children's hospital in Ireland. The amalgamation of Dublin's three children's hospitals into one organisation, with a single clear governance framework, will give the required cohesion and breadth of medical sub-specialties to provide such care for Ireland's sickest children. The Government's

[Deputy Kathleen Lynch.]

priority is to provide the best standard of complex hospital care for children in Ireland. To further that priority the Government, as set out under our programme for Government, is committed to the construction of the new children's hospital.

In late 2005, McKinsey and Company were engaged to advise on the future strategic organisation of tertiary paediatric services in Ireland. The resulting report, Children's Health First, recommended that the population and projected demands in this country could support only one world class tertiary paediatric hospital. It further recommended that such a hospital should be located in Dublin and should ideally be located alongside a leading adult academic hospital. The McKinsey report also recommended that the new children's hospital should accommodate the secondary care needs of children in the greater Dublin area, and that it should be a central component of an integrated national paediatric service, incorporating outreach capabilities and an adequate geographic spread of emergency type facilities in Dublin.

The new hospital will benefit from improved clinical effectiveness through inter-professional working that optimises clinical resources and leads to better outcomes for children. The hospital will accommodate a mix of inpatient and day care beds which will meet the health care demands of children and young people. The configuration of these beds reflects current international best practice with more critical care and day care beds within the overall bed complement. The hospital, along with the Ambulatory and Urgent Care Centre at Tallaght, will also provide outpatient, day care and emergency services to children and young people, particularly in Dublin and surrounding areas. Since his appointment, the Minister has been having discussions with his officials and with the National Paediatric Hospital Board to brief himself on the work done on this project to date. The Minister wants to be clear about how we can best provide the hospital in the most cost effective manner while ensuring a high quality service for our children and young people.

The Minister is currently considering the evidence that has been presented to him and will make a decision, based on that evidence, as to how to proceed. In particular, the Minister wants to be satisfied that the hospital will provide the best possible clinical outcomes for children and young people; that it will be built in a location that best meets the needs of children and young people; and that the cost of building the hospital is both realistic and affordable to the Exchequer.

The Deputy can rest assured that the Minister will avoid any unnecessary delay to the development of this very important project.

The Dáil adjourned at 9.10 p.m. until 10.30 a.m. on Wednesday, 23 March 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 6, inclusive, answered orally.

Questions Nos. 7 to 14, inclusive, resubmitted.

Questions Nos. 15 to 24, inclusive, answered orally.

Nuclear Proliferation

25. **Deputy Willie O’Dea** asked the Tánaiste and Minister for Foreign Affairs the role he envisages playing in promoting Ireland’s traditional support for nuclear non-proliferation and if he plans any specific initiatives in that regard targeted at countries which may be undertaking the construction of nuclear weapons. [5353/11]

Tánaiste and Minister for Foreign Affairs (Deputy Eamon Gilmore): Nuclear weapons pose an existential challenge to humanity and achieving their elimination is a fundamental global challenge. Nuclear non-proliferation and implementation of the Nuclear Non-Proliferation Treaty have been priorities of Irish Governments for over 50 years. We have a proud record of engagement and achievement in this critically important field and I am committed to maintaining this tradition.

The NPT, the primary international mechanism for controlling the spread of nuclear weapons, is reviewed every five years. The 2010 review conference adopted forward-looking action plans across all three pillars of the Treaty, disarmament, non-proliferation and peaceful uses of nuclear energy, and on the establishment of a Middle East zone free of nuclear weapons and other weapons of mass destruction. Full implementation of these plans would considerably reinforce the non-proliferation regime and I intend to promote this, bilaterally and multilaterally, in the period ahead.

The International Atomic Energy Agency in Vienna plays a key role in overseeing and regulating the peaceful uses of nuclear energy and the Government is committed to strong support for its work. Full compliance with all obligations under the IAEA statute, with safeguards obligations and with Security Council resolutions are essential to establishing international confidence in the exclusively peaceful nature of nuclear programmes, particularly that of Iran. Ireland is firmly of the view that all States should adopt a Comprehensive Safeguards

[Deputy Eamon Gilmore.]

Agreement, together with an Additional Protocol to that agreement, to enable the Agency to reach comprehensive conclusions on a State's exclusively peaceful use of nuclear energy.

The Government is also fully supportive of efforts by the E3 +3 to achieve a comprehensive negotiated long-term solution which restores international confidence in the exclusively peaceful nature of Iran's nuclear programme, while respecting its legitimate right to the peaceful use of nuclear energy.

Northern Ireland Issues

26. **Deputy Michael McGrath** asked the Tánaiste and Minister for Foreign Affairs his strategy of engagement with Northern Ireland issues and his views on joint North-South investments. [5351/11]

Tánaiste and Minister for Foreign Affairs (Deputy Eamon Gilmore): Maintaining and strengthening peace and reconciliation on the island of Ireland is a key priority for the Government. We are committed to the full and effective implementation of the Good Friday and St Andrews Agreements and intend to engage actively and constructively with the Northern Ireland Executive and Assembly, civil society and all sides of the community.

The Taoiseach had a meeting with the First and deputy First Ministers in Washington last week and also took the opportunity to have initial contacts with the leaders of the SDLP and the Ulster Unionist party.

I intend to have meetings with the political parties in Northern Ireland in the near future. In those discussions I will underline this Government's intention to work with them to ensure that the full potential of the Good Friday Agreement is realised for the benefit of all of the people on this island.

One of the areas of greatest opportunity in this regard is North South cooperation. The Programme for Government underlines our commitment to working with our colleagues in the North to develop greater economic cooperation and to accelerate the process of economic recovery and job creation on this island. Both jurisdictions on the island face a number of common challenges.

Economic cooperation with Northern Ireland offers a significant opportunity to strengthen our competitiveness, achieve economies of scale in delivering services to communities on both sides of the border, overcome structural economic problems, tackle unemployment, and to reduce the problems deriving from our peripheral location in Europe.

I look forward to an early meeting of the North South Ministerial Council after the Assembly elections where the Government and the Executive can look at how we can cooperate to compete internationally, replicating in other areas the success we have seen with all-island bodies such as Tourism Ireland.

A good relationship with the British Government as the co-guarantor of the peace process is also essential and I have already been in touch with the Secretary of State for Northern Ireland and plan to meet him soon.

Humanitarian Assistance

27. **Deputy Pádraig Mac Lochlainn** asked the Tánaiste and Minister for Foreign Affairs the aid plans that have been put in place to offer assistance to the people of Japan following the earthquake and tsunami which have hit there. [5284/11]

Minister of State at the Department of Foreign Affairs (Deputy Jan O’Sullivan): A devastating earthquake measuring 9.0 on the Richter scale struck Japan on the afternoon of Friday, 11 March, causing widespread damage and triggering a massive tsunami.

The twin disasters ravaged the northeast of the country leaving thousands of people dead and many thousands more destitute. More than 500,000 people were evacuated from their homes and many of these have been forced to take refuge in community centres and temporary shelters.

Engineers have also been battling to save the Fukushima Daiichi nuclear power plant, 220 km from Tokyo, where the tsunami caused significant damage. There have been a number of explosions at the facility as well as radiation leaks.

With some estimates placing the cost to the Japanese economy at \$200 billion (dollars), the recovery and reconstruction effort is likely to be long and difficult.

Japan’s disaster response capability has been stretched to the limit by the scale of the emergency and last week they appealed to the EU for assistance. Support was specifically requested for the Japanese Red Cross, which has deployed 84 mobile medical teams and 735 staff members to the affected areas.

The Government responded immediately to this request by agreeing to provide €1 million to the Japanese Red Cross, which will provide relief for people left injured or homeless by the disaster.

The Government has also made available our emergency stockpiles in Subang, Malaysia. These are composed of emergency shelters, blankets and water and sanitation equipment and provide a basic infrastructure to those who have lost their homes. Irish Aid officials are also in ongoing contact with the EU and United Nations with a view to assessing how Ireland might further contribute to the relief operation.

Ambassadors Conference

28. **Deputy Dara Calleary** asked the Tánaiste and Minister for Foreign Affairs the scheduled meetings to be held in Dublin in 2011 involving all our heads of mission and the agenda identified for these meetings. [5350/11]

Tánaiste and Minister for Foreign Affairs (Deputy Eamon Gilmore): The Government has given a commitment that we will get the economy moving, restore confidence in the economy, fix our banking system and support the protection and creation of jobs. It is also our declared intention to re-build Ireland’s reputation on the international stage. We are determined to restore Ireland’s standing as a respected and influential member of the European Union and as part of the wider international community. Our Embassy network has a vital role to play in the repair of our reputation. We have made a firm commitment, therefore, in the new Programme for Government to “recall all Ireland’s Ambassadors within 100 days of this new Government for briefings on a new approach to promoting and marketing Ireland as a country to do business in.”

Work is underway in my Department on arrangements for this Ambassadors’ Conference and we will be making an announcement on the timing and agenda shortly. While the emphasis will be on trade and restoring Ireland’s reputation, I would expect the meeting to address all aspects of my Department’s activities.

The promotion of enterprise and trade has always been an important component of our Embassy network. In recent times, this has been augmented by actions to brief key opinion formers in the international media, in host Governments and in civic society about our policies and in instilling confidence in the economy. In doing so, my Department and our Embassies

[Deputy Eamon Gilmore.]

work closely with State Agencies such as the IDA, Enterprise Ireland, Tourism Ireland, Science Foundation Ireland, Bord Bia and Culture Ireland. It has been normal practice for these agencies to be involved in Heads of Missions meetings and I would intend that this be the case with the forthcoming meeting.

European Council Meetings

29. **Deputy Niall Collins** asked the Taoiseach the Ministers he intends to include in the formal delegations for different scheduled European Council meetings. [5205/11]

The Taoiseach: I will lead the Irish delegation to meetings of the European Council. The composition of the rest of the delegation, including participation if any by Ministers, will be determined as required.

Cabinet Committees

30. **Deputy Niall Collins** asked the Taoiseach if the new Economic Council is established as a Cabinet Committee and the formal arrangements that are intended for its work in terms of support, regularity of meetings and location. [5206/11]

35. **Deputy Michael P. Kitt** asked the Taoiseach the likely frequency of meetings of the new cabinet committee to coordinate economic affairs. [5377/11]

The Taoiseach: I propose to take Questions Nos. 30 and 35 together.

The Government Economic Management Council has been established with the status of a Cabinet Committee and comprises the Taoiseach, the Tánaiste and Minister for Foreign Affairs and Trade, the Minister for Finance and the Minister for Public Expenditure and Reform.

The Council will manage the Government's Programme in respect of economic planning and budgetary matters, the economic recovery programme (including the representation of Ireland internationally in negotiations with the EU, ECB and IMF Troika), the integration of the work of Government Departments and agencies in these matters, as well the co-ordination of banking policy.

It is anticipated that the Council will normally meet on a weekly basis and it will be provided with appropriate support and expertise as required to ensure that it can carry out its functions.

Ministerial Responsibilities

31. **Deputy Niall Collins** asked the Taoiseach the rights in relation to consultation and circulation of materials which have heretofore been reserved to the Minister for Finance will remain or be shared with the Minister for Public Expenditure and Reform. [5210/11]

The Taoiseach: Procedures regarding consultation and circulation of materials will be reviewed to take account of the new Ministerial responsibilities, and any changes required, whether in legislation or procedures, will be implemented. In the meantime, the two Ministers are working very closely together and will be consulted and circulated with materials on the same basis. In addition, the Government has established the Government Economic Management Council, of which both Ministers are of course members, along with the Tánaiste and myself, to ensure the coordination of economic policy and the preparation of economic policy decisions in advance of consideration by the Government.

Ministerial Staff

32. **Deputy Michael McGrath** asked the Taoiseach the arrangements he has put in place for constituency offices within his Department. [5238/11]

The Taoiseach: The Government Chief Whip, the Minister of State for European Affairs and I are currently finalising arrangements for our constituency offices in the context of the Government decision last week to reduce permitted staffing levels.

My constituency office will be based in Castlebar while the Government Chief Whip's constituency office will be based in Enniscorthy. In both cases some staff may be based in Government Buildings. The constituency office of the Minister of State for European Affairs will be located in Government Buildings.

Ministerial Responsibilities

33. **Deputy Billy Kelleher** asked the Taoiseach the specific powers he intends to delegate to Ministers of State in his Department. [5257/11]

The Taoiseach: My statutory functions in relation to the Central Statistics Office under the Statistics Act 1993, the Civil Service Regulation Acts 1956 to 2005 and the Public Service Management (Recruitment and Appointments) Act 2004 have been delegated to the Government Chief Whip, Deputy Paul Kehoe.

I do not propose to delegate statutory functions to the Minister of State for European Affairs, Deputy Lucinda Creighton.

Constitutional Convention

34. **Deputy Michael Moynihan** asked the Taoiseach if it is his intention to establish the proposed Constitutional Convention on a statutory basis and, if so, the timetable he envisages for same. [5374/11]

The Taoiseach: As the Deputy will be aware, the Government for National Recovery Programme contains a proposal to establish a Constitutional Convention to consider comprehensive constitutional reform and to report within 12 months.

Work has commenced on the preparation of detailed proposals for the establishment of the Convention, and these will be considered by Government when ready. They will address matters such as the structure, composition and terms of reference of the Convention, including the basis on which it will be established.

Question No. 35 answered with Question No. 30.

Foreign Conflicts

36. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs if he will advise persons (details supplied) regarding aid to Libya. [5104/11]

Minister of State at the Department of Foreign Affairs (Deputy Jan O'Sullivan): The humanitarian situation in and around Libya is extremely worrying. More than 250,000 people, mostly migrant workers, are thought to have fled across the country's borders and into Tunisia and Egypt in recent weeks, prompting a major international relief effort. At the same time, the situation within the country gives cause for real concern with widespread reports of civilian deaths and casualties. The violence has also sparked fears of much larger population movements and for the availability of food.

[Deputy Jan O’Sullivan.]

Humanitarian access to western Libya and areas under the control of the regime has been very limited, making it extremely difficult to assess the needs of the population or prevent further suffering. Together with our EU and UN partners, we have emphasised the need to place concerted pressure on the Libyan Government to permit full and unhindered access for humanitarian agencies.

The Irish Government, through Irish Aid, has also committed nearly €400,000 in response to the crisis, through both direct funding and in-kind assistance. This assistance has included the transport of 18,500 blankets and 100 tents for distribution by the United Nations High Commission for Refugees (UNHCR) as well as €250,000 for the International Organisation for Migration to help transport some of those stranded at border areas back to their countries of origin. My Department stands ready to provide further support in response to the needs identified by the United Nations and other aid agencies such as the International Committee of the Red Cross and Red Crescent (ICRC).

The ICRC, which works to prevent and alleviate human suffering and to provide emergency medical services to people affected by disasters or conflicts, is currently working with the Libyan Red Crescent in areas such as Benghazi. Proposals regarding the delivery of medical supplies or equipment from Ireland may usefully be addressed to the ICRC, or to the Irish Red Cross in Dublin.

Ambassadors Conference

37. **Deputy Billy Kelleher** asked the Tánaiste and Minister for Foreign Affairs if the meeting of Ambassadors proposed in the Programme for Government will replace the traditional autumn meeting. [5201/11]

Tánaiste and Minister for Foreign Affairs (Deputy Eamon Gilmore): Meetings of Ambassadors are convened as necessary. It has not been the practice, however, to hold them annually. The last such meeting took place in September 2009. The Government attaches major priority in its Programme to ensuring that the resources of the diplomatic network are fully mobilised to aid the repair of our international reputation. Accordingly, it has decided to recall all of our Heads of Missions overseas within the first 100 days of this Government’s term of office for briefings on our new approach to promoting and marketing Ireland. Work is underway in my Department on arrangements for this Ambassadors’ Conference and we will be making an announcement on the timing and agenda shortly.

This is the only general meeting with Ambassadors that is being planned in this year.

Ministerial Travel

38. **Deputy Billy Kelleher** asked the Tánaiste and Minister for Foreign Affairs his proposed travel itinerary for the next month. [5202/11]

Tánaiste and Minister for Foreign Affairs (Deputy Eamon Gilmore): My travel schedule will be designed to ensure the effective and vigorous fulfilment of my responsibilities as Minister for Foreign Affairs, in particular active pursuit of Ireland’s foreign policy objectives, working to rebuild our international reputation and promotion of our economic interests overseas. The majority of my travel arises directly from Ireland’s active and committed membership of the EU and UN, including monthly EU Council meetings.

Since assuming office, I have already undertaken certain important engagements abroad. I attended the Informal Meeting of EU Ministers for Foreign Affairs in Budapest on 11/12 March. On 15th March, I travelled to New York on an official St. Patrick’s Day visit. My

programme included participation in an Enterprise Ireland/Bank of America Technology Innovation Event which brought together 20 Irish hi-tech companies with some of the leading technology companies in the US. I also met senior business figures at the Ireland-US Council Luncheon as well as Irish networks based in the US. On 18th March, I travelled to Washington and met with Secretary of State Hillary Clinton.

Ministerial Staff

39. **Deputy Billy Kelleher** asked the Tánaiste and Minister for Foreign Affairs the specific arrangements, including staffing, which he will put in place to assist him in his wider governmental and political responsibilities. [5203/11]

40. **Deputy Michael McGrath** asked the Tánaiste and Minister for Foreign Affairs the arrangements he has put in place for constituency offices within his Department. [5234/11]

Tánaiste and Minister for Foreign Affairs (Deputy Eamon Gilmore): I propose to take Questions Nos. 39 and 40 together.

As the Deputy will be aware, in light of the current economic circumstances, the Government decided on 15 March to reduce the staffing levels in Ministers' private and constituency offices.

The new limits for Ministerial Offices are as follows:

Each Minister of the Government may have a maximum of 8 staff in his/her Private Office (down from 10) and 4 staff in his/her Constituency Office (down from 6).

Each Minister of State may have a maximum of 5 staff in his/her Private Office (down from 7) and 3 staff in his/her Constituency Office (down from 5).

Each Minister of State who is assigned to more than one Department may have a total of 7 staff in their Private Office (down from 9).

All other arrangements are currently under consideration and will be settled in the near future with a view to facilitating implementation of the commitments and priorities set out in the Programme for Government.

Ministerial Responsibilities

41. **Deputy Billy Kelleher** asked the Tánaiste and Minister for Foreign Affairs the specific powers he intends to delegate to Ministers of State in his Department. [5253/11]

Tánaiste and Minister for Foreign Affairs (Deputy Eamon Gilmore): As the Deputy will be aware, the Taoiseach made an announcement on 10 March 2011 appointing two Ministers of State to my Department. Deputy Lucinda Creighton will have responsibility for European Affairs and Deputy Jan O'Sullivan will have responsibility for Development and Trade.

The Minister for Finance, in consultation with the relevant Ministers, is to bring proposals to Government dealing with the changes in titles and functions of Departments, including the addition of the Trade function to the Department of Foreign Affairs. Following this, the necessary arrangements will be put in place to delegate powers to Ministers of State, as appropriate.

Question No. 42 answered with Question No. 23.

Ministerial Staff

43. **Deputy Niall Collins** asked the Minister for Finance if he will give a guarantee to the Irish people that all support staff, including civilian drivers, currently engaged by himself, his

[Deputy Niall Collins.]

Ministers and Ministers of State, will not be former civil or public servants or State employees who are already in receipt of a pension from their previous State employment; and if he will make a statement on the matter. [5179/11]

Minister for Finance (Deputy Michael Noonan): As the Deputy may be aware, the Government recently announced a number of cost saving measures relating to the personal appointees of Ministers and Ministers of State. These measures include a reduction in the number staff allowed in each Minister and Minister of State's Private and Constituency Office.

The selection of Ministerial appointees is a matter for individual Ministers having regard to the particular skills, experience and capability required. The current guidelines for appointments to such positions provide that the specific sanction of the Taoiseach is required for appointments of persons from outside the civil service and application for the Taoiseach's sanction is made directly to the Taoiseach's Private Office.

Former civil and public servants who retired under the Incentivised Early Retirement Scheme are not permitted to take up any employment in the same sector from which they have retired, except in exceptional circumstances. In general, former civil or public servants being re-engaged are subject to abatement, so that they receive no more by way of pension and salary than they would have received had they remained in their former employment.

Universal Social Charge

44. **Deputy Ciarán Lynch** asked the Minister for Finance if he will rectify the anomaly whereby a person (details supplied) who has retired on grounds of ill health is required to pay the universal social charge on a pension which is smaller than an illness benefit payment which is not subject to USC; and if he will make a statement on the matter. [5181/11]

Minister for Finance (Deputy Michael Noonan): 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 aged 70 years and over or with an entitlement to a full medical card the USC is applied at the following rates:

- 2% on the first €10,036 (€193 per week)
- 4% on the balance.

Furthermore, it should be noted that payments from the Department of Social Protection are exempt from the USC. Also, where an individual's total income which is chargeable to the USC, is below €4,004 in a year of assessment, the USC would not apply.

I would point out that one of the commitments of the new Programme for Government is to carry out a review of the USC. I can assure the Deputy that this will be completed in time for Budget 2012.

Departmental Responsibilities

45. **Deputy Niall Collins** asked the Minister for Finance the timescale he envisages in bringing

before the Dáil any instruments or resolutions which may be required to complete the transfer of responsibilities between existing and new Departments. [5204/11]

46. **Deputy Timmy Dooley** asked the Minister for Finance the number and names of the Government Departments that will be in place on 31 March 2011. [5369/11]

52. **Deputy Michael McGrath** asked the Minister for Finance the details of arrangements which have been made to determine which statutory functions reserved for the Minister for Finance are to fall within the powers of the Minister for Public Expenditure and Reform; and the outcome of any such arrangements. [5197/11]

57. **Deputy Dara Calleary** asked the Minister for Finance the details of all arrangements which have been made to determine which statutory functions reserved for him are to fall within the powers of the Minister for Public Expenditure and Reform; the outcome of any such arrangements and the timeline for such arrangements to come in to place. [5241/11]

60. **Deputy Billy Kelleher** asked the Minister for Finance the specific powers he intends to delegate to Ministers of State in his Department. [5252/11]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 45, 46, 52, 57 and 60 together.

It is envisaged that the transfer of Public Expenditure and Reform functions from the Department/Minister for Finance to the Department/Minister for Public Expenditure and Reform will require primary legislation. Work on the legislation has commenced and is being given top priority. Discussions are still proceeding about the transfer of staff and functions and, in the circumstances, it is not possible to give a definitive answer in relation to the specific functions which will transfer and those which will remain with the Minister for Finance.

Transfers of Departmental functions are carried out by Government Order under powers contained in section 6(1) of the Ministers and Secretaries (Amendment) Act 1939, while in some cases primary legislation may be needed. This aspect of the changes announced by the Taoiseach is still being examined in Departments. Each Order needs to be carefully drafted so that all relevant legislation is listed in the Schedule to the Order. The Departments which currently hold the functions which are being transferred to another Department are fully engaged in this task at present. The draft Orders will need to be finalised and settled in the Office of the Parliamentary Counsel before they can be brought to Government.

Once this process has been finalised, I will bring the necessary Orders to Government. At this stage, I cannot give a precise date for the formal transfer of functions as this depends on a number of factors, including the complexity of the legislation governing the particular functions. Pending such Orders, arrangements are as heretofore including the name and number of Departments which existed on 8 March 2011.

I can assure the Deputy that everyone involved in the process, both in my own Department and in the other Departments concerned, is making every effort to complete it at the earliest possible date and I hope that it can be brought to conclusion within a matter of weeks. The Orders will be published in *Iris Oifigiúil* and laid before the House without delay when made by the Government.

Legislative Programme

47. **Deputy John McGuinness** asked the Minister for Finance if the Construction Contracts Bill will be debated by Dáil Éireann as soon as possible; and if he will make a statement on the matter. [5041/11]

Minister for Finance (Deputy Michael Noonan): The Deputy will be aware that the Construction Contracts Bill which was introduced by Senator Feargal Quinn passed Committee and remaining stages in the Seanad on 8 March. I understand that the Seanad debate highlighted a number of matters relating to the Bill that require further consideration. It would also be imperative that the full regulatory impact of such a piece of legislation be fully assessed.

I will now be examining the Bill and will then decide how best to proceed. It is important that a solution to this problem must not place an unnecessary regulatory or cost burden on the parties to the dispute, other parties involved in the project, or the State.

Departmental Reports

48. **Deputy Martin Ferris** asked the Minister for Finance if he has received a copy of the report of the Review Group on State Assets and Liabilities and if not, when he expects to receive a copy of the report. [5057/11]

Minister for Finance (Deputy Michael Noonan): I have not yet received the final Report of the Review Group on State Assets and Liabilities. The Group is in the process of finalising the Report and I expect that it will be submitted shortly.

Semi-State Bodies

49. **Deputy Martin Ferris** asked the Minister for Finance his views on the sale of Coillte forestry or land in whole or in part if such an action was recommended by the Review Group on State Assets and Liabilities. [5058/11]

Minister for Finance (Deputy Michael Noonan): The future of Coillte, including its forestry and land holdings, will be considered by Government in light of commitments made in the Programme for Government. When considering the issue, Government will also take account of any recommendations on Coillte contained in the Report of Review Group on State Assets and Liabilities, which is currently being finalised.

Departmental Reports

50. **Deputy Olivia Mitchell** asked the Minister for Finance if he will clarify the circumstances of the commissioning of a report (details supplied); the actual authors of this report; when it was commissioned and by whom; and if he will make a statement on the matter. [5164/11]

Minister for Finance (Deputy Michael Noonan): The Report of the Independent Review Panel: *Strengthening the Capacity of the Department of Finance* was commissioned by the Minister of Finance, following his commitment at the Oireachtas Joint Committee on Finance and Public Service that a review would be carried out to assess the Department of Finances policy advice and performance over the past 10 years and to make recommendations on how best the Department might adapt to meet the challenges of the future. On 10th September 2010, the Minister announced the composition of the Review Panel and its terms of reference. The members were:

- Mr Rob Wright, Chairman, former Secretary General, Department of Finance, Canada
- Mr Hans Borstlap, former Director General, Ministry of Social Affairs and Employment, Netherlands
- Mr John Malone, former Secretary General, Department of Agriculture and Food, Ireland.

Mr Pat McArdle provided support and assistance to the Panel. The Report provides a set of recommendations to modernise management, reform existing organisational structures and

increase substantially technical economic and other skills, some of which are matters for consideration by Government. The Report was published on 1 March and is available on the Department's website <http://www.finance.gov.ie>

Commencement of Legislation

51. **Deputy Michael McGrath** asked the Minister for Finance his plans to sign the commencement order bringing section 13 of the Finance Act 2011 into effect. [5174/11]

Minister for Finance (Deputy Michael Noonan): Section 13 of the Finance Act 2011 provides for income tax relief at the standard rate for expenditure incurred by individuals on a range of works that are carried out to improve the energy efficiency of residential premises situated in the State. Relief will be available for qualifying expenditure of up to a maximum of €10,000 for single individuals, or up to a maximum of €15,000 per qualifying property. The scheme will be operated primarily by the Sustainable Energy Authority of Ireland, in conjunction with the Revenue Commissioners. The maximum amount of expenditure that will qualify for relief in any one tax year is €150 million. Relief will be given by way of repayment in the tax year following that in which the work was completed and the expenditure incurred.

Due to the truncated timetable for Finance Bill 2011, it was not possible to consider a number of potential legislative amendments to the scheme. These will be addressed in the next Finance Bill. In addition, the previous Minister made a commitment to publish an Ex-Ante Economic Impact Assessment of the scheme before commencing it via Ministerial order. My officials are currently working on this assessment and it will be published as soon as it has been completed.

Pending the completion of the assessment and the introduction of the legislative changes required in the next Finance Bill, it is not possible to indicate when a Commencement Order bringing section 13 of the Finance Act 2011 into effect will be signed.

Question No. 52 answered with Question No. 45.

Departmental Responsibilities

53. **Deputy Michael McGrath** asked the Minister for Finance the arrangements that will be in place to assist him in relation to the public expenditure elements of budget preparations. [5198/11]

68. **Deputy Michael P. Kitt** asked the Minister for Finance the role to be played by the sectoral policy division of his Department in the development of his budgetary policies. [5376/11]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 53 and 68 together.

As part of the restructuring of Government Departments, the former Sectoral Policy Division of the Department of Finance is transferring into the Department of Public Expenditure & Reform. While the operational and organisational details are now being finalised, the Department of Public Expenditure & Reform will oversee and manage the development of Government expenditure policy, and monitor and supervise the spending undertaken by other Government Departments.

Of course, the development of policy on public expenditure is a major component of overall budgetary strategy, and as such I will be working closely with the Minister for Public Expenditure & Reform, both on an ongoing bilateral basis and in the context of the Government Economic Management Council. Extensive liaison will continue between the officials of our respective Departments, to ensure that the budget process continues to be managed smoothly and efficiently, taking account of this Government's budgetary reform agenda.

Budgetary Process

54. **Deputy Michael McGrath** asked the Minister for Finance the elements of the budget process which will no longer be under his control [5199/11]

Minister for Finance (Deputy Michael Noonan): It is the Government's intention that the Department of Finance will be reconfigured as two departments — a restructured Department of Finance which will, broadly speaking, encompass two of the existing divisions: Budget, Taxation and Economic Division and Financial Services Division, and the Department of Public Expenditure and Reform which will also comprise, in broad terms, two existing divisions, one dealing with Public Service Management and Development and the other, Sectoral Policy Division, dealing with public expenditure. The latter Department will have responsibility for Government policy relating to public sector reform. A range of corporate support services will continue to be shared between the two Departments.

The two Departments will be legally separate entities with distinct reporting relationships to each Minister. Legislation is currently being prepared to give effect to this. Both Ministers are full Cabinet Ministers with full Cabinet responsibilities.

As I have indicated previously, I will be working very closely with the Minister for Public Expenditure and Reform, both on an ongoing bilateral basis and in the context of the Government Economic Management Council.

While the operational and organisational details of the transfer of functions are currently being finalised, the development of policy on public expenditure is and will continue to be a major component of overall budgetary strategy. Within the revised configuration, the Budget process itself will remain predominantly under the direction of the Department of Finance, with specific tasks assigned between the two Departments as appropriate.

A high degree of liaison will continue between the officials of our respective Departments to ensure that the budget process continues to be managed smoothly and efficiently, taking account of this Government's budgetary reform agenda.

Financial Institutions Recapitalisation

55. **Deputy Michael McGrath** asked the Minister for Finance if he will require the formal consent of another Minister in addition to normal Cabinet clearance for any public funding to be allocated to financial institutions. [5200/11]

Minister for Finance (Deputy Michael Noonan): The allocation of public funding to financial institutions will follow normal cabinet clearance procedures.

However, the Deputy may also be enquiring about the formal role of the Minister for Public Expenditure and Reform. It is intended that the Minister for Finance will retain responsibility for overall budget, tax and spending parameters while the Minister for Public Expenditure and Reform will be responsible for managing public expenditure within the overall envelope set by the Minister for Finance. The transfer of Public Expenditure and Reform functions from the Department/Minister for Finance to the Department/Minister for Public Expenditure and Reform will require primary legislation. The precise functions and responsibilities which are being transferred to the new Department/Minister will be clearly identified in the legislation to ensure that there is a sound legal basis underpinning the new Department and Ministerial responsibilities, as well as providing clarity of roles and responsibilities. The preparation of this legislation is being afforded high priority by the Office of the Parliamentary Counsel and the Bill will be presented to this House at the earliest possible date.

I can assure the Deputy that both the Minister for Public Expenditure and Reform and I are anxious to ensure that there is a high level of information sharing between the two offices.

Ministerial Staff

56. **Deputy Michael McGrath** asked the Minister for Finance the arrangements he has put in place for constituency offices within his Department. [5233/11]

Minister for Finance (Deputy Michael Noonan): Both the Minister for Public Expenditure and Reform and I, and our colleague the Minister of State in the Department, are in the process of making arrangements for the staffing of our respective constituency offices. As the Deputy may be aware, the Government recently decided to limit the number of staff in a Minister's constituency office to 4, and the number of staff in a Minister of State's constituency office to 3.

Question No. 57 answered with Question No. 45.

58. **Deputy Dara Calleary** asked the Minister for Finance the economic and other expertise that will be available to the Minister for Public Expenditure and Reform when taking decisions about public expenditure; if he intends to recruit advisers in this area and if so, the number of same; the qualification level of same; the timescale and procedure for recruitment; and the cost per adviser. [5242/11]

Minister for Finance (Deputy Michael Noonan): The economic, analytical and other expertise currently within my Department is also available to my colleague, the Minister for Public Expenditure and Reform. In consultation with Minister Howlin, I will keep under review whether specialist expertise and advice may be required in order to supplement current resources. Under Section 11 of the Public Service Management Act, 1997 each Minister may appoint a maximum of 2 Special Advisers. The appointment of Advisers is currently under consideration. Special Advisers are appointed by the Government at the request of a Minister. When appointments have been made, I will be in a position to provide details of the appointees' qualifications and remuneration.

Ministerial Responsibilities

59. **Deputy Dara Calleary** asked the Minister for Finance if he will retain any role in relation to decisions of tax reliefs for specific policy purposes. [5244/11]

Minister for Finance (Deputy Michael Noonan): I will retain responsibility, in conjunction with the Government and the Oireachtas, for all tax policy issues.

Question No. 60 answered with Question No. 45.

Tax Code

61. **Deputy Niall Collins** asked the Minister for Finance where a person is in receipt of proceeds from the compulsory acquisition of farmlands by the National Roads Authority and they subsequently re-invest this money in similar agricultural land, if any capital gains tax liability arises from the initial disposal to the NRA; and if he will make a statement on the matter. [5268/11]

Minister for Finance (Deputy Michael Noonan): I am advised by the Revenue Commissioners that a disposal to the National Roads Authority of farmlands under compulsory purchase is within the charge to Capital Gains Tax in the normal way.

Compensation money for any kind of damage or injury to farmlands, such as injurious affection or disturbance, is also included within the charge. This charge is unaffected, under existing legislation, by a subsequent reinvestment of proceeds in similar agricultural land: there is no

[Deputy Michael Noonan.]

“roll-over” relief. In the case of a compulsory purchase the chargeable gain is deemed to accrue on the day the compensation is received by the person disposing of the land.

Tax Collection

62. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) in County Kildare will be furnished with a P21 for 2010; and if he will make a statement on the matter. [5307/11]

Minister for Finance (Deputy Michael Noonan): I have been advised by the Revenue Commissioners that they have written to the person concerned for the necessary details. On receipt a PAYE Balancing Statement (P21) for the year 2010 will issue to the person concerned.

63. **Deputy Jack Wall** asked the Minister for Finance if a person (details supplied) can be furnished with a P21 for 2010; and if he will make a statement on the matter. [5323/11]

Minister for Finance (Deputy Michael Noonan): I have been advised by the Revenue Commissioners that they have written to the person concerned for the necessary details. On receipt, a PAYE Balancing Statement (P21) for the year 2010 will issue to the individual.

National Asset Management Agency

64. **Deputy Ciarán Lynch** asked the Minister for Finance his views on the difficulties being encountered by house buyers in obtaining a letter of release on property that is National Assets Management Agency owned; the measure that will be taken to speed up the process; and if he will make a statement on the matter. [5324/11]

Minister for Finance (Deputy Michael Noonan): NAMA has directed all participating institutions to ensure that all credit applications are forwarded to it within ten business days of being received from debtors. NAMA, in turn, aims to respond to applications within ten business days of receiving them from institutions. Accordingly, in normal circumstances, a debtor credit application should, therefore, be processed within twenty business days of being submitted by the debtor to the institution and, in the case of letters of release, this process would be further expedited.

I understand that the Deputy may be referring to an exceptional case where an issue with the paperwork resulted in a delay in the submission of the credit application by the participating institution to NAMA. NAMA have advised that letters of release would normally be processed more quickly. NAMA will ensure that they put procedures in place to ensure that all letters of release are dealt with in an expedited manner in future.

Tax Code

65. **Deputy Ciarán Lynch** asked the Minister for Finance if he will confirm that full equal treatment, from the start of this financial year, will be applied in respect of income tax, inheritance tax, gift tax and all other taxation matters in regard to persons entering into relationships under the Civil Partnership Act; when the appropriate legislative provisions regarding taxation will be introduced; and if he will make a statement on the matter. [5368/11]

Minister for Finance (Deputy Michael Noonan): The position is that legislation to provide the same tax treatment for civil partners as that provided for spouses is currently in preparation. It is intended that the legislation will have effect for the tax year 2011. As the Deputy is aware the shortened timescale for this year's Finance Act meant that it was not possible to include the legislation in that Act but it is intended that the legislation will be put before the House shortly as a Bill or as part of a Finance (No. 2) Bill 2011.

Departmental Expenditure

66. **Deputy Timmy Dooley** asked the Minister for Finance the estimated costs for the jobs fund items listed on page eight of the programme for Government. [5370/11]

Minister for Finance (Deputy Michael Noonan): The Government is committed to resourcing a Jobs Fund within its first 100 days in the Programme for Government. The details of individual measures, including the Jobs Fund items referred to at page 8 of the Programme for Government, are currently being considered by the Government for the purpose of delivering on this commitment.

Universal Social Charge

67. **Deputy Robert Troy** asked the Minister for Finance the nature of the review of the universal social charge to be undertaken under the Programme for Government; and the time scale of the review. [5373/11]

Minister for Finance (Deputy Michael Noonan): There is a commitment in the new Programme for Government to carry out a review of the Universal Social Charge (USC).

The terms of reference of the review have yet to be finalised. However, I expect these to be finalised shortly. I would anticipate that the review will be completed in time for Budget 2012.

Question No. 68 answered with Question No. 53.

Auditing of Accounts

69. **Deputy Billy Kelleher** asked the Minister for Finance if the reference to audited accounts in accordance with generally accepted accounting principles in page 24 of the programme for Government is intended to replace existing auditing procedures; and the extent to which this is intended to mark a departure from past Exchequer practice. [5378/11]

Minister for Finance (Deputy Michael Noonan): The Comptroller and Auditor General (C&AG) has a wide audit remit covering the Central government area, Third level education bodies, non-commercial Semi State and Health sector bodies. Commercial State bodies are audited by private sector firms. The accounts of all bodies disclose the basis on which the accounts have been prepared whether cash or accrual. The C&AG conducts his audits in accordance with the most recent update of the International Audit standards including consideration of compliance with the disclosed basis of accounting. Private sector firms follow the same principle of auditing the accounting base in line with international standards.

In this context, the reference to ‘audited accounts in accordance with generally accepted accounting principles’ will not impact on the principles underlying the current approach to audit of public bodies.

Departmental Staff

70. **Deputy Billy Kelleher** asked the Minister for Finance the time scale he envisages for the recruitment of an external person to head his Budget and Economic Policy Division. [5379/11]

Minister for Finance (Deputy Michael Noonan): I wish to inform the Deputy that no decision has been made regarding the timescale for the recruitment of an external person to head the Budget and Economic Policy Division in my Department. However, the matter will be kept under review.

School Placement

71. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills when school

[Deputy Bernard J. Durkan.]

placement at a school (details supplied) in County Kildare will be offered; and if he will make a statement on the matter. [4872/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The selection and enrolment of pupils in schools is the responsibility of the authorities of the individual school. My Department's main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking school places in an area. However, this may result in some pupils not obtaining a place in the school of their first choice. As schools may not have a place for every applicant, a selection process may be necessary. This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants.

Under section 15(2)(d) of the Education Act, 1998, each school is legally obliged to disclose its enrolment policy and to ensure that as regards that policy that principles of equality and the right of parents to send their children to a school of the parents' choice are respected.

Section 29 of the Education Act, 1998 provides for an appeal by a parent or guardian to the Secretary General of my Department, or in the case of a Vocational Educational Committee (VEC) school to the VEC in the first instance, where a Board of Management of a school, or a person acting on behalf of the Board, refuses to enrol a student in a school. My Department has no authority to compel a school to admit a pupil, except in the case of an appeal under section 29 of the Education Act, 1998 being upheld.

The National Educational Welfare Board (NEWB) is the statutory agency which can assist parents who are experiencing difficulty in securing a school place for their child. The NEWB will be able to offer assistance and advice on securing a school placement within the pupil's area. The contact details for the NEWB in your area is NEWB, Block 3, South Dublin County Council, Tallaght Dublin 24, Tel: 01 4635513.

Special Educational Needs

72. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills when a person (details supplied) in County Kildare will be offered a special needs assistant on a one to one basis; and if he will make a statement on the matter. [4901/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teachers and Special Needs Assistants to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support.

I have arranged for the details supplied to be forwarded to the NCSE for their attention and direct reply.

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.

FÁS Training Courses

73. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills when a FÁS course will be arranged in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [5047/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Responsibility for the administration of individual cases in FÁS are operational matters for the Agency as provided for in the Labour Services Act, 1987 as amended.

Special Educational Needs

74. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will support the need for special needs assistants and to provide all children with a disability the maximum support in 2011 especially with their educational needs. [5124/11]

89. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will end the cap on special needs assistants and if he will provide all children with a disability the maximum support in 2011. [5099/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 74 and 89 together.

The Programme for Government clearly states that education will be a priority for this Government and that we will endeavour to protect and enhance the educational experience of children, young people and students. To that end, we will endeavour to protect frontline services in education.

However, the fiscal position is difficult and it is necessary to ensure that educational services are delivered within the resources available. I intend to prioritise and support special educational services. However, I do not intend to re-visit the previous Government's decision to place a cap on the number of whole time equivalent Special Needs Assistant (SNA) posts in schools. This number is 10,575 whole time equivalent (WTE) posts. To put this number in context, there were 10,543 wte posts in place at the end of 2010, 10,342 at end 2009; 10,442 at end 2008 and 9,824 at end 2007. In addition, there are some 60 child care workers in schools.

It is considered that with equitable and careful management and distribution of these resources that there should be sufficient posts to provide access to SNA support for all children who require such care support to attend school, in accordance with Departmental criteria.

The National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teachers and Special Needs Assistants (SNAs) to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. My Department and I will be glad to consider any suggestions from school management or parent representative organisations as to how the allocation of SNA resources can best be managed within the context of the overall limit on SNA numbers established. In this regard I am committed to making whatever improvements are possible to the resource allocation system.

The NCSE has issued a circular to all schools advising of the allocation process for the 2011/2012 school year. A key feature of the amended scheme will be to provide for an annual allocation of Special Needs Assistant support to eligible schools.

Higher Education Grants

75. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will support the case of a person (details supplied) regarding a grant. [5149/11]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department understands that the candidate in question applied to his grant awarding authority on 27 August 2010 to be assessed for a student grant. My Department also understands that the candidate did not provide the necessary supporting documentation outlined in the student grant schemes relative to his circumstances and that the grant awarding authority has written to him since requesting this.

The Deputy will appreciate that as my Department has a role to play in the student grant appeal process, it cannot become involved with student grants at the assessment of eligibility stage. In the circumstances, my Department's advice to the candidate would be to make

[Deputy Ruairí Quinn.]

arrangements to provide his grant awarding authority with the documentation needed as soon as possible or to make contact with his grant awarding authority if he has any difficulty sourcing this documentation so that a decision can be taken on how to proceed with his application.

School Completion Programme

76. **Deputy John McGuinness** asked the Minister for Education and Skills if, in the context of the review of the children at risk fund and the school completion programme, he will ring-fence funding for a centre (details supplied) in County Kilkenny and have that programme examined as a stand alone project in view of the fact that the centre and what it offers under the CAR funding is recognised as being at the cutting edge of service provision in this area nationally; if his officials will visit the centre; if his Department's recent report commending the centre for its services and value for money will now be considered in support of the proposal to consider the "Three to University" project as a pilot project. [4859/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): A decision was taken in Budget 2009 to discontinue the Children at Risk Fund. The Project to which the Deputy refers was among a number of projects evaluated by my Department to determine future funding arrangements and possible mainstreaming of appropriate projects. As a result of this evaluation, funding of €133,000 issued to the Project in December 2010 for the 2011 calendar year and a process commenced to integrate the Project with the Kilkenny City School Completion Programme Project as both projects share the same aims and objectives.

The "Three to University" Project covered by this Centre is a 4 Step Programme. Step 1 is an Early Learning Centre which deals with children under six years of age. Step 2 is a Homework Club for Primary School children while Step 3 is a Study Support Programme for Post Primary Children. Finally Step 4 deals with Men's and Women's Groups. Funding provided by my Department for the current year is in respect of Steps 2 and 3 of this Project.

I am pleased to inform you that a member of the National Coordination Team for the School Completion Programme has met with the Project in question and Kilkenny School Completion Programme regarding integration of both Projects. Agreed arrangements are now in place for the integration of the project with Kilkenny School Completion Programme from September 2011.

Redundancy Payments

77. **Deputy Willie O'Dea** asked the Minister for Education and Skills when redundancy payment will issue in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [4860/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I can confirm that an application for redundancy has been received by my Department from the person referred to by the Deputy.

Applications for redundancy are being received on an ongoing basis and are processed in date order of receipt. The application in question will be dealt with as soon as possible.

Schools Refurbishment

78. **Deputy Dan Neville** asked the Minister for Education and Skills his views regarding a school (details supplied) in County Limerick; and if he will make a statement on the matter. [4861/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I understand that the school referred to by the Deputy has submitted an application for works under the 2011 Summer Works Scheme. Applications for funding under the scheme are being processed in my Department, as outlined in the Circular governing the operation of the Scheme, and the school authority will be notified of the decision on the application shortly.

Local Employment Services

79. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills when placement will be offered to attend a course in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [4862/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): The individual to which you refer is a client of the Local Employment Service. I understand that he was to get back in contact with his Local Employment Services Officer in relation to the Sports Management course he is interested in pursuing, but to date he has not done so.

I have been informed that he has not as yet made an application for this course and should he wish to do so he should contact his Local Employment Services Officer.

Special Educational Needs

80. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills when a special needs teacher will be provided in respect of a person (details supplied) in County Sligo; and if he will make a statement on the matter. [4863/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The National Council for Special Education (NCSE) is responsible, through its network of local Special Educational Needs Organisers (SENOs) for allocating resource teachers and Special Needs Assistants to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support.

I have arranged for the details supplied to be forwarded to the NCSE for their attention and direct reply.

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.

Schools Building Projects

81. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills if provision will be made for a second level educate together school (details supplied) in Celbridge, County Kildare; and if he will make a statement on the matter. [4864/11]

Minister for Education and Skills (Deputy Ruairí Quinn): My Department has recently announced plans to open at least 13 new post-primary schools over the next five years in the following locations — Gorey, Doughiska (Galway), Lucan (Clonburris), Kingscourt, Ashbourne, Mulhuddart, Blanchardstown West, Drogheda, Claregalway, Maynooth, Naas, Navan and North County Dublin/South County Louth.

The Forward Planning Section of my Department is currently examining all areas of the country to determine where additional provision will be required at both primary and post primary level up to 2017. Overall post-primary requirements in the Celbridge area will be fully considered in this context.

[Deputy Ruairí Quinn.]

The Programme for Government gives a commitment to move towards a more pluralist system of patronage at second level, recognising a wider number of patrons. It is my intention to prioritise this policy in the weeks and months ahead.

Higher Education Grants

82. **Deputy Bernard J. Durkan** asked the Minister for Education and Skills when a third level education grant will be awarded to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [4865/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The responsibility for deciding on eligibility for a student grant is a matter for the relevant grant awarding authority, in this case Kildare VEC. My Department understands that the student in question was awarded a grant on 19 January last.

School Management

83. **Deputy Ciarán Lynch** asked the Minister for Education and Skills the procedure open to a parent who wishes to challenge a management decision made by the principal of a primary school in regard to an operational matter; the formal complaint procedures available; and if he will make a statement on the matter. [4998/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to advise the Deputy that the 1998 Education Act provides the legal framework for the delivery of education to children through recognised schools. All recognised schools are legally owned by the school patrons or trustees; and managed by a school's Board of Management which is also the employer of teachers in a school.

Currently, parents wishing to challenge a management decision made by a principal of the primary school should contact the school's board of management. If a parent wishes to make a complaint against a teacher or school they should contact the relevant school authorities. The complaint procedures adopted by most schools are those that have been agreed between the teacher unions and school management bodies. The details of these procedures for primary schools are set out below.

While the Minister for Education and Skills provides funding and policy direction for schools, neither I nor officials of my Department have powers to investigate individual complaints, except where the complaint involves a refused enrolment, expulsion or suspension, in accordance with Section 29 of the 1998 Education Act.

Section 29 of the Education Act, 1998 provides for an appeal by a parent or guardian to the Secretary General of my Department, or in the case of a Vocational Educational Committee (VEC) school to the VEC in the first instance, where a Board of Management of a school, or a person acting on behalf of the Board, refuses to enrol a student in a school, expels a student or suspends a student for 20 or more days in any school year.

The Office of the Ombudsman for Children may independently investigate complaints about schools recognised with the Department of Education and Skills, provided the parent has firstly and fully followed the school's complaints procedures. The key criterion for any intervention by the Ombudsman for Children is that the action of the school has had a negative affect on a child. The office can be contacted at Ombudsman for Children's Office, Millennium House, 52-56 Great Strand Street, Dublin1, (Ph) 1800 20 20 40 or (01) 8656800, E-mail oco@oco.ie.

Further guidance to parents on progressing a concern in relation their child's school is available on the Guide to Services Page of my Department's website at www.education.ie

INTO/CPMSA Complaints Procedure Guidelines for Primary Schools.

INTO / CPSMA COMPLAINTS PROCEDURE

The Irish National Teachers' Organisation and the Catholic Primary School Managers' Association reached agreement in 1993 on a procedure for dealing with complaints by parents against teachers. The purpose of the procedure is to facilitate the resolution of difficulties where they may arise in an agreed and fair manner. The agreement lays out in five stages the process to be followed in progressing a complaint and the specific timescale to be followed at each stage.

Introduction

Only those complaints about teachers which are written and signed by parents/guardians of pupils may be investigated formally by the Board of Management, except where those complaints are deemed by the Board to be:

- (i) on matters of professional competence and which are to be referred to the Department of Education;
- (ii) frivolous or vexatious complaints and complaints which do not impinge on the work of a teacher in a school; or
- (iii) complaints in which either party has recourse to law or to another existing procedure.

Unwritten complaints not in the above categories may be processed informally as set out in Stage 1 of this procedure.

Stage 1

- 1.1 A parent/guardian who wishes to make a complaint should, unless there are local arrangements to the contrary, approach the class teacher with a view to resolving the complaint.
- 1.2 Where the parent/guardian is unable to resolve the complaint with the class teacher she/he should approach the Principal with a view to resolving it.
- 1.3 If the complaint is still unresolved the parent/guardian should raise the matter with the Chairperson of the Board of Management with a view to resolving it.

Stage 2

- 2.1 If the complaint is still unresolved and the parent/guardian wishes to pursue the matter further she/he should lodge the complaint in writing with the Chairperson of the Board of Management.
- 2.2 The Chairperson should bring the precise nature of the written complaint to the notice of the teacher and seek to resolve the matter between the parties within 5 days of receipt of the written complaint.

Stage 3

- 3.1 If the complaint is not resolved informally, the Chairperson should, subject to the general authorisation of the Board and except in those cases where the Chairperson deems the particular authorisation of the Board to be required:
 - (a) supply the teacher with a copy of the written complaint; *and*

[Deputy Ruairí Quinn.]

- (b) arrange a meeting with the teacher and, where applicable, the Principal Teacher with a view to resolving the complaint. Such a meeting should take place within 10 days of receipt of the written complaint.

Stage 4

- 4.1 If the complaint is still not resolved the Chairperson should make a formal report to the Board within 10 days of the meeting referred to in 3.1(b).
- 4.2 If the Board considers that the complaint is not substantiated the teacher and the complaint should be so informed within three days of the Board meeting.
- 4.3 If the Board considers that the complaint is substantiated or that it warrants further investigation it proceeds as follows:
 - (a) the teacher should be informed that the investigation is proceeding to the next stage;
 - (b) the teacher should be supplied with a copy of any written evidence in support of the complaint;
 - (c) the teacher should be requested to supply a written statement to the Board in response to the complaint;
 - (d) the teacher should be afforded an opportunity to make a presentation of case to the Board. The teacher would be entitled to be accompanied and assisted by a friend at any such meeting;
 - (e) the board may arrange a meeting with the complainant if it considers such to be required. The complainant would be entitled to be accompanied and assisted by a friend at any such meeting; and
 - (f) the meeting of the Board of Management referred to in (d) and (e) will take place within 10 days of the meeting referred to in 3.1(b).

Stage 5

- 5.1 When the Board has completed its investigation, the Chairperson should convey the decision of the Board in writing to the teacher and the complainant within five days of the meeting of the Board.
- 5.2 The decision of the Board shall be final.
- 5.3 This Complaints Procedure shall be reviewed after three years.
- 5.4 CPSMA or INTO may withdraw from this agreement having given the other party three months' notice of intention to do so.

In this agreement 'days' means schools days.

Higher Education Grants

84. **Deputy Martin Ferris** asked the Minister for Education and Skills if he will reverse the cuts to third level grants, the impact of which will force thousands of students out of college. [5005/11]

95. **Deputy Brendan Griffin** asked the Minister for Education and Skills if he will reverse recent changes to distance criteria for third level students availing of grant aid; and if he will make a statement on the matter. [5168/11]

101. **Deputy Michael Healy-Rae** asked the Minister for Education and Skills if he will reverse the proposed changes in Budget 2011 relating to third level student grant schemes. [5182/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 95, 101 and 84 together.

I understand that the changes to the student grant schemes introduced under Budget 2011 were designed to manage additional cost pressures arising from 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 Service Charge on behalf of grant-holders.

The Deputies will appreciate that the current economic circumstances of the country are such that I am not in a position to reverse these changes at this time.

However, I do understand the fears and concerns of students in this regard and I will take account of these in considering any future changes as part of the budgetary process for 2012 and beyond, having regard to the position of the public finances.

School Accommodation

85. **Deputy Niall Collins** asked the Minister for Education and Skills the position regarding an application for funding by a school (details supplied) in County Limerick; and if he will make a statement on the matter. [5074/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I can confirm that the school to which the Deputy refers has recently applied to my Department seeking funding to provide additional accommodation.

This application is currently being assessed. Officials in my Department will convey a decision on the application to the school authority when the assessment process has been completed.

EU Funding

86. **Deputy Michael McGrath** asked the Minister for Education and Skills the position regarding employees of a former company (details supplied) availing of the European Globalisation Fund. [5091/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I can confirm that my Department has received an application for major capital funding from the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band rating of 2.1.

Information in respect of the current school building programme along with all assessed applications for major capital works, including the project referred to by the Deputy, is available on my Department's website at www.education.ie.

The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. Documents explaining the band rating system are also available on my Department's website.

[Deputy Ruairí Quinn.]

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

In the meantime I wish to advise the Deputy that approval was given towards an all-in devolved grant in the amount of €100,000 in June 2009 to provide an additional 80m² main-stream classroom. In addition a further grant of €152,394.00 was sanctioned in June 2010 to renovate two classrooms at the school.

Also in June 2010, a grant of €25,078 was sanctioned for security works under emergency works funding. In addition the school was granted €50,981.04 under the Summer Works Scheme in 2006 for a mechanical upgrade and €81,279.90 under the Summer Works Scheme in 2010 for roof works.

Schools Building Projects

87. **Deputy Martin Ferris** asked the Minister for Education and Skills if a school (details supplied) in County Kerry which was promised a new school in 2007, will be included in the next capital programme for school buildings; and if he will make a statement on the matter. [5092/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I can confirm that my Department has received an application for major capital funding from the school to which the Deputy refers. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band rating of 2.1.

Information in respect of the current school building programme along with all assessed applications for major capital works, including the project referred to by the Deputy, is available on my Department's website at www.education.ie.

The priority attaching to individual projects is determined by published prioritisation criteria, which were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. Documents explaining the band rating system are also available on my Department's website.

The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context of my Department's multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

In the meantime I wish to advise the Deputy that approval was given towards an all-in devolved grant in the amount of €100,000 in June 2009 to provide an additional 80m² main-stream classroom. In addition a further grant of €152,394.00 was sanctioned in June 2010 to renovate two classrooms at the school.

Also in June 2010, a grant of €25,078 was sanctioned for security works under emergency works funding. In addition the school was granted €50,981.04 under the Summer Works Scheme in 2006 for a mechanical upgrade and €81,279.90 under the Summer Works Scheme in 2010 for roof works.

88. **Deputy Martin Ferris** asked the Minister for Education and Skills if the commitment for a new building in respect of a school (details supplied) in County Kerry will be kept; and if he will make a statement on the matter. [5093/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I am pleased to advise the Deputy that a project to provide a new school building for the school to which he refers has been announced as one of the projects to commence the process of appointing a design team under my Department's 2011 Multi-annual School Building and Modernisation Programme.

My officials will be in further contact with the school authority in due course relating to the steps to be taken to progress the project.

Question No. 89 answered with Question No. 74.

School Accommodation

90. **Deputy Niall Collins** asked the Minister for Education and Skills the position regarding a grant application in respect of a school (details supplied) in County Limerick; and if he will make a statement on the matter. [5106/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I can confirm that the school to which the Deputy refers has recently applied to my Department seeking funding to provide additional accommodation.

This application is currently being assessed. Officials in my Department will convey a decision on the application to the school authority when the assessment process has been completed.

Physical Education Facilities

91. **Deputy Finian McGrath** asked the Minister for Education and Skills the position regarding a lease in respect of a club (details supplied). [5135/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to advise the Deputy that the Chief State Solicitor's Office have advised my Department that they recently forwarded a draft lease in relation to the former Greendale Community School Campus including the sports hall facility to the solicitors acting for the City of Dublin VEC. Pending execution of the lease, the VEC has been requested to make further contact with the club referred to by the Deputy with a view to drawing-up a side agreement between the VEC as landlord and the club as tenants to regularise the club's current and future access to the sports hall facility.

Schools Building Projects

92. **Deputy Noel Coonan** asked the Minister for Education and Skills the position regarding an application for building works in respect of a school (details supplied) in County Tipperary; when a decision will issue; and if he will make a statement on the matter. [5150/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The tender process for the appointment of a Design team on the school building project referred to by the Deputy is coming to a close. The tender process has been conducted by the schools Board of management with support and assistance from my Department.

Notifications to the successful and unsuccessful candidates are expected to be issued shortly by the Board of Management. Following which, and subject to no issues arising, appointment of the Design team will be completed and the process of Architectural Planning will commence.

Schools Refurbishment

93. **Deputy Brendan Griffin** asked the Minister for Education and Skills if a school (details supplied) in County Kerry will qualify for funding under the summer works scheme; and if he will make a statement on the matter. [5166/11]

96. **Deputy Brendan Griffin** asked the Minister for Education and Skills if a school (details supplied) in County Kerry will qualify for funding under the summer works scheme; and if he will make a statement on the matter. [5169/11]

97. **Deputy Brendan Griffin** asked the Minister for Education and Skills if a school (details supplied) in County Kerry will qualify for funding under the summer works scheme; and if he will make a statement on the matter. [5170/11]

98. **Deputy Brendan Griffin** asked the Minister for Education and Skills if a school (details supplied) in County Kerry will qualify for funding under the summer works scheme; and if he will make a statement on the matter. [5171/11]

99. **Deputy Brendan Griffin** asked the Minister for Education and Skills if a school (details supplied) in County Kerry will qualify for funding under the summer works scheme; and if he will make a statement on the matter. [5172/11]

100. **Deputy Brendan Griffin** asked the Minister for Education and Skills if a school (details supplied) in County Kerry will qualify for funding under the summer works scheme; and if he will make a statement on the matter. [5173/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 93 and 96 to 100, inclusive, together.

I understand that the schools referred to by the Deputy have submitted applications for the works in question under the 2011 Summer Works Scheme. Applications for funding under the scheme are being processed in my Department, as outlined in the Circular governing the operation of the Scheme, and the school authorities in question will be notified of the decisions on their applications shortly.

School Transport

94. **Deputy Brendan Griffin** asked the Minister for Education and Skills if he will reverse changes to the school transport system announced in budget 2011 that will affect eligibility for school transport for students of schools in areas where amalgamations of schools have taken place; and if he will make a statement on the matter. [5167/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Given the major financial constraints facing the country, it is not my intention at this stage to reverse the changes to school transport as announced in Budget 2011.

Question No. 95 answered with Question No. 84.

Questions Nos. 96 to 100, inclusive, answered with Question No. 93.

Question No. 101 answered with Question No. 84.

Schools Recognition

102. **Deputy Michael McGrath** asked the Minister for Education and Skills his plans to

provide stand-alone status to an educational institution (details supplied) in County Cork. [5183/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I have no plans to provide stand-alone status to the educational institution referred to by the Deputy.

By way of background, the institution is operated as a Post Leaving Certificate (PLC) centre by the VEC. Its recognition as a stand-alone PLC centre would require additional financial and staffing resources in terms of teacher allocations and management structure, including Principal, Deputy Principal and posts of responsibility. In the context of the current budgetary situation, the moratorium on public sector recruitment and the Employment Control Framework it would be very difficult to provide these additional resources.

In addition, generally in order to qualify for consideration for stand alone status, an approved allocation of at least 500 approved PLC places is required. County Cork VEC has been allocated a total 1,334 approved PLC places for the 2010/2011 academic year and further distribution of those places to PLC centres under its remit is a matter for the VEC. Information from the 'October Returns' indicates that total 2010/2011 PLC enrolment in County Cork VEC is 1,611 and total PLC enrolment in the centre referred to is 502 learners.

103. **Deputy Michael McGrath** asked the Minister for Education and Skills his plans to provide stand-alone status to an educational institution (details supplied) in County Cork. [5184/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): This issue is currently the subject of correspondence between the acting CEO of County Cork Vocational Education Committee (VEC), which is responsible for the educational institution referred to by the Deputy, and my Department.

By way of background, the institution is operated as a Post Leaving Certificate (PLC) centre by the VEC. Its recognition as a stand-alone PLC centre would require additional financial and staffing resources in terms of teacher allocations and management structure, including Principal, Deputy Principal and posts of responsibility. In the context of the current budgetary situation, the moratorium on public sector recruitment and the Employment Control Framework it would be very difficult to provide these additional resources.

In addition, generally in order to qualify for consideration for stand alone status, an approved allocation of at least 500 approved PLC places is required. County Cork VEC has been allocated a total 1,334 approved PLC places for the 2010/2011 academic year and further distribution of those places to PLC centres under its remit is a matter for the VEC. Information from the 2010/2011 'October Returns' indicates that total PLC enrolment in County Cork VEC is 1,611 and total PLC enrolment in the centre referred to is 277 learners.

Ministerial Staff

104. **Deputy Michael McGrath** asked the Minister for Education and Skills the arrangements he has put in place for constituency offices within his Department. [5230/11]

Minister for Education and Skills (Deputy Ruairí Quinn): At a Government meeting held on 15 March 2011 it was decided to reduce the number of staff permitted at Ministers' constituency offices from 6 to 4 and Ministers of State's constituency offices from 5 to 3.

The staffing of these offices at my Department will be in accordance with these reduced parameters.

Ministerial Responsibilities

105. **Deputy Billy Kelleher** asked the Minister for Education and Skills the specific powers he intends to delegate to Ministers of State in his Department. [5249/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Mr Ciarán Cannon T.D. has been appointed Minister of State in my Department and will have responsibility for the areas of skills and training, further education, educational disadvantage and school transport. Mr Seán Sherlock T.D. has also been assigned to my Department and will have responsibility for oversight of the implementation of the specific range of commitments in the Strategy for Science Technology and Innovation that come under the responsibility of the Minister for Education and Skills. This will include oversight of the research funding programmes under the Irish Research Council for the Humanities and Social Sciences (IRCHSS) and Irish Research Council for Science and Technology (IRCSET). In exercising these delegated functions, the Ministers of State will have regard to the overall responsibilities of the Minister for Education and Skills in relation to the wider policy and budgetary framework, and the determination of priorities within that, for the Department of Education and Skills.

Coistí Gairmoideachais

106. D'fhiafraigh **Deputy Éamon Ó Cuív** den Aire Oideachais agus Scileanna cén polasaí atá ag an Roinn Oideachais lena chinntiú go mbeidh Gaeilge ag na príomhfheidhmeannaigh ar na coistí gairmoideachais a bheidh ar an nGaeltacht; agus an ndéanfaidh sé ráiteas ina thaobh. [5298/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Is mian liom a chur in iúl don Teachta gurb í an tSeirbhís um Cheapacháin Phoiblí a leagann amach na cáilíochtaí atá riachtanach chun Príomhfheidhmeannach buan a cheapadh ar Choiste Gairmoideachais (CGO). I measc na gcáilíochtaí sin tá riachtanas go mbeadh Gaeilge agus Béarla araon ag iarrthóir. Cruthaítear go bhfuil Gaeilge ag iarrthóir trí bhéaltriai inniúlachta a chur ar an iarrthóir agus éilítear marc pas de 65% chun go mbeadh iarrthóir intofa dona c(h)eadadh. Tá feidhm ag an riachtanas seo i gcás ceapachán Príomhfheidhmeannach buan insna CGOanna go léir, ní insna CGOanna amháin sin a bhfuil Gaelcholáistí iontu nó insna CGOanna amháin a chuimsíonn ceantair Gaeltachta.

School Provision

107. **Deputy Aengus Ó Snodaigh** asked the Minister for Education and Skills the steps he will take to address the shortage of gaelscoil places; and if he will approve funding for a new gaelscoil to meet the high level of demand in Dublin 12. [5331/11]

Minister for Education and Skills (Deputy Ruairí Quinn): You will appreciate that at present new schools are only being opened where there is a demographic demand for them. Based on demographics it would appear that a new school is not required in the Dublin 12 area. The demand for such new schools therefore arises out of the desire for further choice of educational provision by parents in the area. Providing for such diversity of provision is one of the issues that we need to address in primary education.

The Programme for Government contains a commitment to hold a time limited Forum on Patronage and Pluralism in the Primary Sector to enable all stakeholders including parents to engage in open debate on change of patronage in communities where it is appropriate and necessary.

This is also one of the topics raised in a review of the procedures for the establishment of new primary schools undertaken by the Commission on School Accommodation. The Commission's report is finalised and is to be published in the near future. My Department will now need to consider the issues raised in that report.

Schools Building Projects

108. **Deputy John McGuinness** asked the Minister for Education and Skills the progress made regarding an application under the emergency works grant scheme in respect of a school (details supplied) in County Kilkenny; and if he will expedite the matter. [5333/11]

Minister for Education and Skills (Deputy Ruairí Quinn): An application under the Emergency Works Scheme was received from the school mentioned by the Deputy. The works included new traffic management measures and a new playground.

The purpose of the Emergency Works Scheme is solely for unforeseen emergencies or to provide funding to facilitate inclusion and access for special needs pupils. An emergency is deemed to be a situation which poses an immediate risk to health, life, property or the environment, which is sudden, unforeseen and requires immediate action and in the case of a school, if not corrected would prevent the school or part thereof from opening.

As the scope of works for this project is outside the terms of the Emergency Works Scheme, the school has been informed that it cannot be considered for emergency funding.

Schools Refurbishment

109. **Deputy Michael Creed** asked the Minister for Education and Skills if a school (details supplied) in County Cork will receive assistance under the summer works scheme; and if he will make a statement on the matter. [5430/11]

110. **Deputy Michael Creed** asked the Minister for Education and Skills if a school (details supplied) in County Cork will receive assistance under the summer works scheme; and if he will make a statement on the matter. [5433/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I propose to take Questions Nos. 109 and 110 together.

I understand that the schools referred to by the Deputy have submitted applications for the works in question under the 2011 Summer Works Scheme. Applications for funding under the scheme are being processed in my Department, as outlined in the Circular governing the operation of the Scheme, and the school authorities in question will be notified of the decisions on their applications shortly.

Physical Education Facilities

111. **Deputy Michael Creed** asked the Minister for Education and Skills the supports that are available for a Gaeltacht school that wishes to develop a new playing pitch; and if he will make a statement on the matter. [5437/11]

Minister for Education and Skills (Deputy Ruairí Quinn): All schools are eligible to submit an application for major capital funding for sporting facilities to my Department. Any application received will be assessed in accordance with the published prioritisation criteria for large scale building projects. However, in light of the many demands on the capital budget of my Department, it is unlikely that a high priority will be assigned to such an application.

[Deputy Ruairí Quinn.]

The published prioritisation criteria were formulated following consultation with the Education Partners. There are four band ratings under these criteria, each of which describes the extent of accommodation required and the urgency attaching to it. Band 1 is the highest priority rating and Band 4 is the lowest. Documents explaining the band rating system are available on the Department's website, www.education.ie.

My Department also operates the Summer Works Scheme under which necessary small-scale works to improve the integrity of buildings and their external environment that, ideally, can be delivered during the summer months are eligible for funding.

Special Educational Needs

112. **Deputy Finian McGrath** asked the Minister for Education and Skills the position regarding education in respect of a person (details supplied). [5442/11]

Minister for Education and Skills (Deputy Ruairí Quinn): An application to retain this child in school for an extra year has been made by the child's parents directly to the Department of Education and Skills. My Department has advised Special Schools that it will consider requests from schools who wish to retain students who are over 18 years of age, for an extra school year, in circumstances where they are following courses leading to accreditation at a level of FETAC 3 or above. It is open to the parents of the pupil in question to raise the issue of extension of enrolment directly with the school authorities.

The Department will liaise with the school concerned regarding this matter and this application will be considered in the context of the Department's policy in this regard, as set out above.

Enterprise Support Services

113. **Deputy Billy Timmins** asked the Minister for Enterprise, Trade and Innovation the assistance available to a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [5062/11]

118. **Deputy Billy Timmins** asked the Minister for Enterprise, Trade and Innovation the assistance available to a person (details supplied) setting up a new business; and if he will make a statement on the matter. [5012/11]

Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton): I propose to take Questions Nos. 113 and 118 together.

The Department of Enterprise, Trade and Innovation does not provide direct funding or grants to businesses but provides funding to a number of State Agencies, including the County and City Enterprise Boards (CEBs) and Enterprise Ireland, through whom assistance is delivered directly to businesses. The CEB's unique role positions them as a first point of contact for persons wishing to set up in business.

I would advise the promoter to contact their local CEB; the Wicklow County Enterprise Board in the first instance to discuss what options may be available to them and their proposed business venture. The Board is located at the Wicklow County Campus, Clermont House, Rathnew, Co. Wicklow; Phone No: 0404 30800, Fax No: 0404 30899; Email: enterprise@wicklowceb.ie; Website: www.wicklowceb.ie

To be eligible for CEB grant support an enterprise must be in the commercial sphere, must demonstrate a market for the proposed product/service, must have a capacity for growth and new job creation and must not employ more than 10 people. CEBs can provide both financial

and non-financial assistance to a project promoter. The forms of financial assistance, which are available, subject to certain restrictions and conditions, include Priming Grants, Business Expansion/Development Grants, and Feasibility/Innovation Study Grants. The CEBs give priority to enterprises in the manufacturing or internationally traded services sector and must always give consideration to any potential for deadweight and displacement arising from a proposed enterprise.

In addition, the CEBs deliver a range of non-financial supports to improve management capability development within micro-enterprises designed to help new and existing enterprises to operate effectively and efficiently so as to last and grow.

Ministerial Staff

114. **Deputy Michael McGrath** asked the Minister for Enterprise, Trade and Innovation the arrangements he has put in place for constituency offices within his Department. [5231/11]

Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton): The arrangements for constituency offices within my Department are not fully in place but I can assure the Deputy that they will be in accordance with the new arrangements for Ministers' constituency offices announced by the Government on 15 March 2011.

Ministerial Responsibilities

115. **Deputy Billy Kelleher** asked the Minister for Enterprise, Trade and Innovation the specific powers he intends to delegate to Ministers of State in his Department. [5250/11]

Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton): The Government has assigned two Ministers of State to assist me in the performance of my functions as Minister for Enterprise, Jobs and Innovation. Mr. John Perry, T.D., has been assigned responsibility for the Small Business portfolio, while Mr. Sean Sherlock, T.D., has been assigned responsibility for Research and Innovation.

The detailed range of duties and associated legislative provisions that will accompany each portfolio are currently being finalised within the Department. The aim is to have the necessary Delegation of Functions Orders drafted and presented to Government for approval in early April. A notice will be published in *Iris Oifigiúil* once the Orders have been made by the Government.

Enterprise Support Services

116. **Deputy Terence Flanagan** asked the Minister for Enterprise, Trade and Innovation the position regarding funding in respect of a person (details supplied) in Dublin 13; and if he will make a statement on the matter. [5362/11]

Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton): The Department does not provide direct funding or grants to businesses but rather provides funding to a number of State Agencies, including the County and City Enterprise Boards (CEBs) and Enterprise Ireland, through whom financial and/or non-financial assistance is delivered directly to businesses. The role of the CEBs is to develop indigenous potential and stimulate economic activity at a local level primarily through the provision of financial and technical support for the development of small and micro-enterprises. The Boards form a nationwide support network for small business.

The CEB's unique role positions them as a first point of contact for persons wishing to set up in business. The promoter should therefore in the first instance contact their relevant local

[Deputy Richard Bruton.]

CEB to discuss what options may be available to them and their proposed business venture. Contact details for each individual Board can be obtained through the CEBs' national website address at www.enterpriseboards.ie.

To be eligible for CEB financial (grant) support an enterprise must be in the commercial sphere, must demonstrate a market for the proposed product/service, must have a capacity for growth and new job creation and must not employ more than 10 people. The forms of financial assistance, which are available from the CEBs, subject to certain restrictions and conditions, include Priming Grants, Business Expansion/Development Grants, and Feasibility/Innovation Study Grants.

The Boards are required to give priority to enterprises in the manufacturing or internationally traded services sector, which over time can develop into strong export entities and graduate to the Enterprise Ireland portfolio. It is considered inappropriate to support other areas such as retail enterprises, personal services (e.g. hairdressers, gardeners, etc), professional services (accountants, solicitors, etc) lacking export potential, construction, etc, as it is considered that these generally give rise to unacceptable deadweight (where projects would have proceeded anyway) and/or displacement (where the projects simply displace business from other players in the market) concerns. Decisions on individual applications for assistance from the CEBs are made independently by the relevant Board, subject to eligibility criteria, on the advice of their evaluation committee.

Not all projects will be eligible for financial assistance, however, even where this is the case, a project promoter may wish to engage with their local CEB as, in addition to financial assistance, the CEBs deliver non-financial supports such as one-to-one mentoring and a range of training programmes to improve management capability development within micro-enterprises designed to help new and existing enterprises to operate effectively and efficiently so as to last and grow, which may be available as appropriate to the needs of the promoter's business.

Intellectual Property Policy

117. **Deputy Timmy Dooley** asked the Minister for Enterprise, Trade and Innovation the steps taken in recent years concerning the development of national policies relating to intellectual property; and the nature of any proposals currently under consideration or likely to be reported on during 2011. [5371/11]

Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton): The Innovation Taskforce Report, and a Review of Existing IP Supports which was commissioned by my Department and Forfas and published last summer, both called for a clear and consistent national policy for the ownership of and access to State supported IP, to enable entrepreneurs and enterprises engage in the optimal exploitation of R&D.

Ireland's IP policies and guidelines are in line with international practice. However, by enhancing these policies and supports, in line with the recommendations in the above reports, we can maximise the opportunities for commercialisation of State supported IP and give Ireland a competitive advantage over many other countries, as an attractive place in which to undertake innovative activity.

The implementation of the recommendations of these reports is a priority for my Department. Last June, an Intellectual Property Implementation Group under the Chairmanship of Mr. Jim Mountjoy and comprising technology transfer practitioners and industry representatives from various sectors, was established to drive the implementation of these recommendations. This Group is currently working to develop proposals for a clear and consistent

system to maximise the opportunities for industry and entrepreneurs to commercialise intellectual property created in Ireland's third level institutions.

In tandem with the development of these proposals, an IP Policy Group, chaired by my Department and comprising representatives from key research funding agencies, is currently developing and clarifying existing IP policies. The development of a clear intellectual property policy will help Ireland support the commercialisation of Irish research and development and so maximise the return on public investment.

The work of both Groups is expected to be completed in summer 2011.

In the area of patents, my Department continues to make it easier for enterprises to patent their innovations. I expect to introduce an amendment to the Patents Act to the Oireachtas shortly, with a view to lowering the current high translation costs for patents. Additionally, after recently consulting stakeholders in a review of the 1992 Patents Act, several reforms of the patenting process are under consideration and will be explored in a Regulatory Impact Assessment in 2011. At EU level, Ireland is actively participating in the enhanced cooperation process for a unitary patent that will further reduce translation requirements and costs for Irish innovators wishing to protect their patents across Europe.

Proposals to make a technical amendment to the Trade Marks Act, 1996, to enable Ireland to accede to the Singapore Treaty on the Law of Trademarks, are under consideration.

We also expect, during the year, to review our domestic application of copyright legislation to see if there are any changes we can make in terms of further flexibilities, within the existing EU framework.

Question No. 118 answered with Question No. 113.

Social Welfare Benefits

119. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when rent support will be reinstated in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4896/11]

Minister for Social Protection (Deputy Joan Burton): The Health Service Executive has advised that payment of rent supplement to the person concerned is currently under review. The Executive further advised that the person concerned was requested to provide further information in relation to her employment on 28 January 2011 and that this has not been provided to date. A decision will be made on her future entitlement to rent supplement when the information has been provided.

120. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when rent allowance will be awarded in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4902/11]

Minister for Social Protection (Deputy Joan Burton): The Health Service Executive has advised that the person concerned was refused rent supplement on the 24 January 2011 as her income was deemed sufficient to meet her household needs.

Redundancy Payments

121. **Deputy Michael McGrath** asked the Minister for Social Protection the position regarding the payment of statutory lump sum redundancy in respect of a person (details supplied) in County Cork. [5040/11]

Minister for Social Protection (Deputy Joan Burton): 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.

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.

122. **Deputy Michael McGrath** asked the Minister for Social Protection the position regarding the payment of a redundancy rebate in respect of a person (details supplied) in County Cork. [5105/11]

Minister for Social Protection (Deputy Joan Burton): On 1 January 2011, the Department of Social Protection assumed responsibility from the Department of Enterprise, Trade and Innovation for administering the redundancy payments scheme.

The position in relation to this matter is that the company in question sought a redundancy rebate in respect of an employee of the company. This request was received in April 2009. Following failure by the company to respond to requests from the Department of Enterprise, Trade and Innovation to confirm that statutory redundancy had been paid to the employee concerned, payment issued on behalf of the employer to the employee from the Social Insurance Fund (SIF). In such cases, the employer is liable for 40% of the payment.

Subsequently, following contact from the Employment Appeals Tribunal regarding an application from the employee for a declaration of redundancy, the company paid the employee his entitlements. This resulted in the employee being paid twice in respect of the same redundancy. The redundancy rebate, however, is due only in respect of one payment.

In the interim, the company had agreed with the Revenue Commissioners that it would agree to pay outstanding tax monies from the redundancy rebate it was owed. This offset arrangement was facilitated in this case and the money, less the 40% liability in respect of the payment to the employee, was paid directly to the Revenue Commissioners from the SIF.

The issue of the double payment is a matter for the company to resolve with its former employee and the Department has no further function in the matter.

123. **Deputy Niall Collins** asked the Minister for Social Protection the position regarding redundancy payment in respect of a person (details supplied); and if she will make a statement on the matter. [5107/11]

Minister for Social Protection (Deputy Joan Burton): 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. I can confirm that a statutory redundancy lump sum claim in respect of the individual concerned was received on 7 March, 2011 and is pending processing.

Social Welfare Benefits

124. **Deputy Niall Collins** asked the Minister for Social Protection the position regarding an application for domiciliary care allowance in respect of a person (details supplied) in County Limerick; and if she will make a statement on the matter. [5108/11]

Minister for Social Protection (Deputy Joan Burton): An application for domiciliary care allowance was received on the 29th June 2010. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A letter issued on the 9th September 2010 advising of the decision.

Redundancy Payments

125. **Deputy Jack Wall** asked the Minister for Social Protection the options available to a person who has been made redundant who cannot get their former employer to complete a RP 50 redundancy form; and if she will make a statement on the matter. [5305/11]

Minister for Social Protection (Deputy Joan Burton): On 1 January 2011, the Department of Social Protection assumed responsibility for making redundancy payments from the Social Insurance Fund.

It is up to the employer in the first instance to make statutory redundancy payments to all eligible employees. If an employer is unable to make these payments, employees may claim from the Social Insurance Fund. In order to do this the employer must sign an RP50 form and submit certain financial documentation to the Redundancy Payments section of my Department. If the employer refuses to sign this form or submit the necessary documentation then the employee may take a case to the Employment Appeals Tribunal against his/her former employer by completing a Form T1(a) and submitting it to the Department of Enterprise, Jobs and Innovation, EAT Section.

Social Welfare Benefits

126. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when jobseeker's payment will be awarded in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4906/11]

Minister for Social Protection (Deputy Joan Burton): The person concerned has been awarded jobseeker's allowance from 10th February 2011.

127. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the position regarding an application for jobseeker's allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4910/11]

Minister for Social Protection (Deputy Joan Burton): A decision will be made in this case within the next two weeks and the person concerned will be notified of the outcome.

Social Welfare Appeals

128. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when a review of an application for jobseeker's allowance will be undertaken in respect of a person (details supplied) in Dublin 15; and if she will make a statement on the matter. [4921/11]

Minister for Social Protection (Deputy Joan Burton): Mr. Sanko applied for jobseeker's allowance on 18 December 2008. A decision was issued on 4 January 2010 stating that Mr.

[Deputy Joan Burton.]

Sanko was not entitled to jobseeker's allowance on the grounds that he was not habitually resident in the State.

Mr. Sanko appealed this decision on 19 January 2010. The Appeals Office wrote to Mr. Sanko on 10 January 2011 stating the original decision had been upheld and the appeal has been disallowed.

129. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when a review of an application for job seeker's allowance will be undertaken in respect of a person (details supplied) in Dublin 15; and if she will make a statement on the matter. [4922/11]

Minister for Social Protection (Deputy Joan Burton): Ms. Asiedu applied for jobseeker's allowance on 18 December 2008. A decision was issued on 5 January 2010 stating that Ms. Asiedu was not entitled to jobseeker's allowance on the grounds that she was not habitually resident in the State.

Ms. Asiedu appealed this decision on 21 January 2010. On 11 January 2011, the Appeals Office wrote to Ms. Asiedu stating that the original decision had been upheld and the appeal was disallowed.

Ms. Asiedu wrote to the Appeals Office on 12 January 2011 looking for a review of the decision. On 1 March 2011, the Appeals Office wrote stating that as no new facts or evidence was submitted which would warrant a revision of the decision; the Appeals Officer is satisfied that the decision should stand.

Social Welfare Benefits

130. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the rate of jobseeker's allowance in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4926/11]

Minister for Social Protection (Deputy Joan Burton): The person concerned was awarded jobseeker's allowance at the weekly rate of €14.80. This consisted of a personal rate of €188.00 plus €124.80 qualified adult allowance less weekly means of €298.00 in respect of his partner's earnings.

The jobseeker's allowance claim is currently suspended as he is attending a FÁS course.

131. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when jobseeker's allowance will be awarded in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4927/11]

Minister for Social Protection (Deputy Joan Burton): The person concerned will be contacted by an inspector within the next two weeks to finalise an assessment of his means. He will be notified of the outcome as soon as possible.

132. **Deputy Aengus Ó Snodaigh** asked the Minister for Social Protection the reason spouses of those who receive disability allowance who are not in receipt of a payment in their own right cannot avail of community employment places as is the case for all other social welfare payment recipients whose spouse can avail of the offer of a community employment scheme placement; if this is discriminatory; and her views on same. [4928/11]

Minister for Social Protection (Deputy Joan Burton): An unemployed person who qualifies for the Community Employment (CE) programme under dependant Allowance, Jobseekers

Benefit or Farm Assist but who does not wish to join CE, may be able to transfer eligibility to his/her spouse. In this regard, qualified adult dependants of eligible persons aged 25 and over, may avail of the Spousal Swap option. This involves the person and their dependant exchanging places, the dependant inheriting the age and entitlements of the eligible person, and ensuring that no losses are incurred in their relative entitlements as a result of this exchange.

As the eligibility criteria for Community Employment are currently implemented, the position for Spousal Swaps for those in receipt of Jobseekers Allowance, Jobseekers Benefit or Farm Assist differ from Disability Allowance given the intrinsic link between the disability payments and the claimant. It is also unlikely that any financial advantage would result to a claimant in receipt of Disability Allowance as the earnings disregard would not be applied to their spouse's income given that the rehabilitative nature of the employment can only apply to the claimant.

Social Welfare Appeals

133. **Deputy Mattie McGrath** asked the Minister for Social Protection her plans regarding reducing the length of time it takes to have an appeal heard at an oral hearing by the social welfare appeals office; and if she will make a statement on the matter. [4947/11]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that the average waiting for an appeal dealt with by way of a summary decision is 27.4 weeks, while the average time to process an oral hearing is 45.6 weeks. These processing times are calculated from the registration date of the appeal to the date of its finalisation and include all activities during this period including:

- time spent in the Department for comments by the Deciding Officer on the grounds of appeal put forward by the appellant,
- any further investigation by the Department's Inspectors,
- any further examination or assessment by the Department's Medical Assessors that is deemed necessary.

A considerable period of time is added to the process when an oral hearing is required because of the logistics involved in this process. The annual intake of appeals has increased from 14,070 in 2007 to 32,432 in 2010, an increase of 18,362 (130.5%).

A number of initiatives have been taken in recent years to deal with backlogs in the Social Welfare Appeals process which have occurred as a result of these increases. The Social Welfare (Miscellaneous Provisions) Act 2010 facilitated the use of experienced retired former Appeals Officers, on a strictly temporary basis to assist in reducing the backlog of Social Welfare Appeals cases. As a result, 8 of these Officers have been employed since July of last year giving the equivalent of 3 full time staff. An additional 9 Appeals Officers have now been assigned to the Office and these will be taking up duty in early April.

In conjunction with the provision of extra staff, more emphasis is now placed on dealing with appeals on a summary basis so as to increase productivity. As a result, the number of appeals dealt with by way of oral hearing was reduced from 59% in 2009 to 31.5% in 2010

I am assured by the Chief Appeals Officer that she is keeping current processes under continuous review with a view to achieving a more effective throughput of appeals, while ensuring that any progress does not conflict with due process in terms of the rights of appellants and adherence to the requirements of natural justice.

Social Welfare Benefits

134. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an application to transfer rent supplement in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [5110/11]

Minister for Social Protection (Deputy Joan Burton): The Health Service Executive has advised that payment of rent supplement ceased as the person concerned moved address. If the person concerned wishes to make an application for rent supplement in respect of her new address then she should contact the Executive.

Redundancy Payments

135. **Deputy Noel Coonan** asked the Minister for Social Protection the position regarding a redundancy application in respect of a person (details supplied) in County Tipperary; when payment will issue; and if she will make a statement on the matter. [5116/11]

Minister for Social Protection (Deputy Joan Burton): On 1 January 2011, the Department of Social Protection 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 13 December 2010 and is pending processing.

Social Welfare Benefits

136. **Deputy James Bannon** asked the Minister for Social Protection the position regarding an application for jobseeker's allowance in respect of a person (details supplied) in County Longford; and if she will make a statement on the matter. [5141/11]

Minister for Social Protection (Deputy Joan Burton): The person concerned made an application for Jobseeker's Allowance on 2 February 2011. The payment of Jobseeker's Allowance is subject to a means test. He was interviewed by a Social Welfare Investigator on 15th March, 2011 and was requested to produce certain documentation in support of his application. When this information is forthcoming a decision on his application will be immediately made.

137. **Deputy James Bannon** asked the Minister for Social Protection the position regarding an application for disability allowance in respect of a person (details supplied) in County Longford; and if she will make a statement on the matter. [5142/11]

Minister for Social Protection (Deputy Joan Burton): The person concerned applied for disability allowance on 25 January 2011. His claim is currently being integrated and he will be notified directly of the outcome.

138. **Deputy James Bannon** asked the Minister for Social Protection the position regarding an application for jobseeker's allowance in respect of a person (details supplied) in County Westmeath; and if she will make a statement on the matter. [5143/11]

Minister for Social Protection (Deputy Joan Burton): The person concerned made an application for Jobseeker's Allowance on 21 February 2011. The payment of Jobseeker's Allowance is subject to a means test and her application has been forwarded to a Social Welfare Inspector for investigation.

Social Welfare Appeals

139. **Deputy Martin Ferris** asked the Minister for Social Protection when a decision on an appeal for a disability allowance will issue in respect of a person (details supplied) in County Kerry. [5151/11]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 22 December 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 in the Social Welfare Appeals Office on 08 March 2011 and the appeal will be referred to an Appeals Officer in due course, 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.

Redundancy Payments

140. **Deputy Noel Coonan** asked the Minister for Social Protection the position regarding a redundancy application in respect of a person (details supplied) in County Tipperary; when payment will issue; and if she will make a statement on the matter. [5159/11]

Minister for Social Protection (Deputy Joan Burton): On 1 January 2011, the Department of Social Protection 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 4 March 2011. This claim is pending processing.

Social Welfare Appeals

141. **Deputy Brendan Griffin** asked the Minister for Social Protection when a domiciliary care allowance appeal will be decided in respect of a person (details supplied); and if she will make a statement on the matter. [5163/11]

Minister for Social Protection (Deputy Joan Burton): An application for domiciliary care allowance was received on the 19th October 2010. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A decision letter issued on the 4th January 2011. The person concerned subsequently lodged an appeal against this decision. The application is currently being reviewed prior to a submission being prepared for the Social Welfare Appeals Office.

142. **Deputy Michael Creed** asked the Minister for Social Protection the position regarding a claim for domiciliary care allowance in respect of a person (details supplied) in County Cork; and if she will make a statement on the matter. [5176/11]

Minister for Social Protection (Deputy Joan Burton): An application for domiciliary care allowance was received on the 8th November 2010. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A decision letter issued on the 18th January 2011. The person concerned sub-

[Deputy Joan Burton.]

sequently lodged an appeal against this decision. The application is currently being reviewed prior to a submission being prepared for the Social Welfare Appeals Office.

Social Welfare Benefits

143. **Deputy Brendan Griffin** asked the Minister for Social Protection if a means test for social welfare entitlements will be carried out in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [5180/11]

Minister for Social Protection (Deputy Joan Burton): The person concerned is currently in receipt of Jobseeker's Benefit at the graduated rate of €203.30 per week.

He may be entitled to a higher rate of Jobseeker's Allowance and his file has been forwarded to a Social Welfare Inspector for an assessment of means and he will be notified of the outcome as soon as possible.

Social Welfare Appeals

144. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an appeal in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [5185/11]

Minister for Social Protection (Deputy Joan Burton): An application for domiciliary care allowance was received on the 29th June 2010. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A decision letter issued on the 7th September 2010 where the customer was advised of the decision. The person concerned subsequently lodged an appeal against this decision and she was informed by the Social Welfare Appeals Office on the 21st February 2011 that the appeal had not been allowed.

The decision/appeal process for this application is now complete. All the information available at that time was provided to the appeals officer before the appeal was considered.

Social Welfare Benefits

145. **Deputy John McGuinness** asked the Minister for Social Protection the reason rent allowance must be collected from a post office in County Kilkenny rather than paid through the post office account or bank account in respect of a person (details supplied) in County Kilkenny; if this decision will be reversed as it is causing undue hardship; if this is not discrimination as the Department insists on paying others through banks and post office accounts or at least gives an option and if she will explain the reasoning behind the decision in the letter from the community welfare officer which advises that one must collect one's rent allowance each week otherwise one loses the benefit. [5216/11]

Minister for Social Protection (Deputy Joan Burton): When the decision to award a rent supplement has been made it is a matter for the Community Welfare Officer to decide the method of payment having regard to the client's preferences and personal circumstances. Where payment is made by Electronic Information Transfer at a post office, the payment must be collected within six days; failure to collect the payment within the specified period will result in it being returned to the Department.

If the person concerned wishes to have his payment method changed then he should contact his local community welfare officer.

Ministerial Staff

146. **Deputy Michael McGrath** asked the Minister for Social Protection the arrangements she has put in place for constituency offices within her Department. [5237/11]

Minister for Social Protection (Deputy Joan Burton): My constituency office is located in the Department's Headquarters building in Store Street, Dublin 1. Arrangements for staffing of the constituency office are being finalised and comply with the recently amended Department of Finance Guidelines on Staffing of Ministerial Offices.

Social Welfare Appeals

147. **Deputy Willie O'Dea** asked the Minister for Social Protection when a decision will issue on an application for disability allowance in respect of a person (details supplied) in County Limerick; and if she will make a statement on the matter. [5260/11]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case. The person concerned will be informed when arrangements have been made.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

148. **Deputy Michael Creed** asked the Minister for Social Protection the reason persons (details supplied) are having their mortgage allowance refused at a time when their mortgage repayments are in fact increasing; and if she will review the matter. [5278/11]

Minister for Social Protection (Deputy Joan Burton): The Health Service Executive has advised that the mortgage interest supplement of the person concerned was reviewed in January 2011. The Executive further advised that the person concerned has been awarded mortgage interest supplement of €31.70 per week which is his full entitlement based on the household income and the required contribution from the non-dependent household member.

Civil Registration Service

149. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection the progress made to date regarding a possible change of law in relation to the registration of deaths occurring abroad; and if she will make a statement on the matter. [5286/11]

Minister for Social Protection (Deputy Joan Burton): The administration of the Civil Registration Service is statutorily a matter for the Registrar General. I have made enquiries with the Registrar General and he has informed me that the general review of the provisions of the Civil Registration Act 2004 is expected to be completed by the middle of this year. The review will include the provisions in relation to the registration of deaths.

The provisions and procedures governing the registration of deaths in Ireland are contained in Part 5 of the Civil Registration Act, 2004.

Where the death of an Irish citizen domiciled in the State occurs abroad, the death may be registered here if there was not at the time of the death a system of registration of deaths in the place where the death occurred, or such a system that applied to such a death, or it is not possible to obtain copies of or extracts from civil records of the death.

[Deputy Joan Burton.]

Where an Irish citizen dies abroad and the death is registered by the civil authorities of the place where the death occurred, a certified copy of the death registration, translated, if necessary, is sufficient for all legal and administrative purposes here and there is no necessity for the event to be entered in the register of deaths in the State.

However, it is appreciated that registration here of the deaths abroad of Irish citizens would be significant to the relatives of the deceased and it is in this context that a commitment has been made to review the existing provisions of the Civil Registration Act, 2004, in relation to this issue.

There is a range of issues to be considered in relation to the scope and implementation of any proposed amendment on this matter. Some of these issues may have cross-departmental implications and these need to be considered also.

Flood Relief

150. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection the progress made with the relocation scheme for those whose houses were flooded in November 2009; when a decision will be made in relation to relocation money for these persons; and if she will make a statement on the matter. [5292/11]

Minister for Social Protection (Deputy Joan Burton): The Government has provided various types of support to people affected by the November 2009 flooding. Humanitarian Aid payments were made, both in the immediate aftermath of the flooding and subsequently to enable eligible households to resume living at their home. Flood relief works were also undertaken in some of the affected areas and other works are at an advanced state of preparation. Discussions took place with representatives of the insurance industry regarding giving households access to appropriate house insurance at a reasonable cost.

The Government is aware that for various reasons, a small number of people have been unable to resume living at their home and others, while they have resumed living at their home, are still faced with significant problems arising from the flooding. The Government is also aware that some householders who are continuing to experience significant housing problems as a result of the November 2009 flooding are considering the possibility of relocating rather than resuming living at their original home.

In light of this, the Government has decided that support may be available in such cases where:

1. Serious and permanent damage has been caused to the family home by the November 2009 flooding;
2. There is a high probability of a recurrence of serious flooding because of flood depth, duration or frequency on a scale that could further damage the family home;
3. The house cannot be protected from flooding at an economically feasible cost;
4. The household is unable to secure insurance against flooding as a result of the November 2009 floods.

Support will only be considered for relocation in cases where the cost of remedial works would exceed the cost of relocation, as determined by the Office of Public Works (OPW). The following considerations will also apply:

1. The gross cost of relocation underpinning the level of support provided will not exceed the cost of providing a reasonable home in the area in question, as determined by the local authority;
2. The existing house must be demolished and the site must be rehabilitated, which may require planning permission from the local authority;
3. If the household has settled a claim with their insurance company, the funds provided in settlement of that claim will be taken into account in determining the amount of funding, if any, provided for relocation. Beneficiaries will be required to instruct their insurance company to provide information in that regard.

The households in question have been visited by officials from the Department and a report of their individual circumstances has now been completed. The OPW are to provide a detailed report for each household outlining the problems in the areas in question, what works if any have been completed in the area or are planned for the area. OPW are also to provide an assessment of the likelihood of future flooding having regard to the works that have already taken place or are scheduled to take place. An initial batch of these reports has been received from the OPW with the balance expected shortly. When all of this information is received it will be collated and decisions on any further assistance for the households in question will then be taken.

Social Welfare Benefits

151. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding mortgage interest supplement in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [5329/11]

152. **Deputy Jack Wall** asked the Minister for Social Protection the reason dietary allowance has ceased in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [5330/11]

Minister for Social Protection (Deputy Joan Burton): I propose to take Questions Nos. 151 and 152 together.

The Health Service Executive advised that the person concerned made an application for mortgage interest supplement approximately twelve months ago. The Executive requested the person concerned to provide further information in order to process her application but have not received the requested information to date. A decision will be made on her application for mortgage interest supplement when the information has been provided.

The Executive further advised that payment of diet supplement ceased approximately 12 months ago. If the person concerned wishes to make a new application for diet supplement she should contact the community welfare officer at her local health centre.

Social Welfare Appeals

153. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an appeal in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [5334/11]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 26 February 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers

[Deputy Joan Burton.]

and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer for consideration.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

154. **Deputy Tom Hayes** asked the Minister for Social Protection when a decision on an appeal for carer's allowance will issue in respect of a person (details supplied) in County Tipperary; and if she will make a statement on the matter. [5344/11]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an Appeals Officer having fully considered all the evidence, including that adduced at oral hearing, has allowed the appeal of the person concerned. The person concerned has been notified of the decision.

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

155. **Deputy Jack Wall** asked the Minister for Social Protection the reason a person (details supplied) in County Kildare has only been awarded rent supplement from 15 November 2010 when the person made their application from October; if the person is entitled to a deposit; and if she will make a statement on the matter. [5345/11]

Minister for Social Protection (Deputy Joan Burton): In order to qualify for rent supplement an applicant must normally be in receipt of a social welfare payment. The Health Service Executive has advised that the person concerned has been awarded rent supplement from 15 November 2010, the date from which her jobseekers benefit commenced.

An exceptional needs payment (ENP) may be made to help meet an essential once-off cost, such as a payment of a rent deposit, which the applicant is unable to meet out of his/her own resources. There is no automatic entitlement to this payment and each application is determined by the Executive based on the particular circumstances of the case taking account of the nature and extent of the need. Such payments are confined to occurrences which the Executive considers to be unexpected, unforeseen or exceptional. If the person concerned wishes to make an application for an exceptional needs payment she should contact the Executive.

Social Welfare Appeals

156. **Deputy Dan Neville** asked the Minister for Social Protection if farm assist payment will be paid without further delay in respect of a person (details supplied) in County Limerick. [5355/11]

Minister for Social Protection (Deputy Joan Burton): I am advised by the Social Welfare Appeals Office that an oral hearing of this case took place on 02 December 2010 following which the Appeals Officer referred the case to a Social Welfare Inspector for clarification of certain aspects. The case has now been referred back to the Appeals Officer who is now considering the appeal in the light of all the evidence submitted, including that adduced at the oral hearing. The person concerned will be notified of the Appeals Officer decision when the appeal has been determined.

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

157. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when back to school allowance will be granted in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4839/11]

Minister for Social Protection (Deputy Joan Burton): Applications for the back to school clothing and footwear allowance (BSCFA) may be made between the beginning of June and the end of September each year. A person may qualify for payment of the allowance if s/he is in receipt of a social welfare or health service executive payment, is participating in an approved employment scheme or attending a recognised education or training course and has household income at or below certain specified levels. There is no record of an application for BSCFA having been received from the person concerned.

Social Welfare Appeals

158. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when a review will be undertaken of an application for domiciliary care allowance under appeal which was subsequently refused in respect of a person (details supplied) in County Kildare. [4842/11]

Minister for Social Protection (Deputy Joan Burton): An application for domiciliary care allowance was received on the 20th October 2009. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A letter issued on the 25th November 2009 where the customer was advised of the decision. The person concerned subsequently lodged an appeal against this decision and she was informed by the Social Welfare Appeals Office on the 7th December 2010 that the appeal had not been allowed.

The decision/appeal process for this application is now complete. All the information available at that time was provided to the appeals officer before the appeal was considered.

159. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the position regarding an application for domiciliary care allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4844/11]

Minister for Social Protection (Deputy Joan Burton): The Social Welfare Appeals Office has advised me that the appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case. The person concerned will be informed when arrangements have been made.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

160. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if mortgage assistance will be offered to persons (details supplied) in County Kildare; and if she will make a statement on the matter. [4846/11]

Minister for Social Protection (Deputy Joan Burton): The Health Service Executive has advised that the person concerned is not currently eligible for mortgage interest supplement as he has entered into an arrangement with his bank whereby no repayments are due to be made for the period October 2010 to April 2011. The Executive has advised the person concerned to make an application for mortgage interest supplement when repayments are due to recommence on his mortgage.

161. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if back to education allowance will be awarded in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4848/11]

Minister for Social Protection (Deputy Joan Burton): The person concerned is in receipt of the back to education allowance since September 2008.

162. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when carer's allowance will be awarded in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4905/11]

Minister for Social Protection (Deputy Joan Burton): The person concerned is currently in receipt of Carer's Allowance in respect of one care recipient. Her application for an increase in her Carer's allowance is currently being investigated and she will be notified directly of the outcome.

163. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when mortgage support will be reviewed in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4911/11]

Minister for Social Protection (Deputy Joan Burton): The Health Service Executive has advised that the mortgage interest supplement of the person concerned was reviewed recently. The Executive further advised that the person concerned has been awarded mortgage interest supplement of €119.60 per month which is his full entitlement based on his personal circumstances.

164. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when fuel allowance will be awarded in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4912/11]

Minister for Social Protection (Deputy Joan Burton): The person concerned has been in receipt of a fuel allowance from 20th January 2011.

165. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the position regarding entitlement to social welfare payment in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4914/11]

Minister for Social Protection (Deputy Joan Burton): The person concerned was paid job-seeker's benefit to 28th October 2009 when his entitlement was exhausted. He should call to his local social welfare office to establish his current entitlements.

166. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the position regarding an application for one parent family allowance in respect of persons (details supplied) in County Kildare; and if she will make a statement on the matter. [4916/11]

Minister for Social Protection (Deputy Joan Burton): The person concerned applied for one-parent family payment from 30th September 2010. Her claim was disallowed on the grounds that she is not considered to be habitually resident in the state. No appeal was lodged.

167. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reason rent supplement was reduced in respect of a person (details supplied) in County Kildare; if same will be reviewed at an early date; and if she will make a statement on the matter. [4917/11]

Minister for Social Protection (Deputy Joan Burton): The Health Service Executive has advised that the rent supplement payment of the person in question has not recently been reduced but is under review. The Executive will contact the person concerned directly when the review has been completed.

168. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when rent support will be awarded in respect of a person (details supplied) in County Meath; and if she will make a statement on the matter. [4924/11]

Minister for Social Protection (Deputy Joan Burton): The Health Service Executive has advised that payment of rent supplement ceased as the person concerned has moved address. If the person concerned wishes to make an application for rent supplement in respect of their new address then she should contact the Community Welfare Officer at her local health centre.

169. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding an application for mortgage interest relief in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [4938/11]

Minister for Social Protection (Deputy Joan Burton): The Health Service Executive has advised that they have received an application for mortgage interest supplement from the person concerned and that a decision is expected on his application shortly. The Executive will contact the person concerned with the outcome.

Money Advice and Budgeting Service

170. **Deputy Ciarán Lynch** asked the Minister for Social Protection the amount allocated to the Money Advice and Budgeting Service in each year since 2000; and if she will make a statement on the matter. [4964/11]

Minister for Social Protection (Deputy Joan Burton): The Money Advice and Budgeting Service (MABS) assists people who are over-indebted and need help and advice in coping with debt problems. Responsibility for MABS transferred to the Citizens Information Board (CIB) in July 2009 and funding now forms part of the overall CIB allocation. Funding to MABS from 2000 to date is set out below.

Year	Allocation
	€m
2000	5.77
2001	8.47
2002	9.70
2003	9.87
2004	11.40
2005	13.62
2006	16.42

[Deputy Joan Burton.]

Year	Allocation
	€m
2007	17.67
2008	17.95
2009	17.67
2010	18.22*
2011	18.36*

*As part of the total CIB allocation.

Social Welfare Benefits

171. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection the position regarding an application for mortgage interest supplement in respect of a person (details supplied) in County Monaghan; if she will expedite a response; and if she will make a statement on the matter. [5051/11]

Minister for Social Protection (Deputy Joan Burton): One of the conditions for receipt of a mortgage interest supplement is that the loan agreement was entered into at a time when, in the opinion of the Health Service Executive, the claimant was in a position to meet the repayments. The Executive has advised that the person concerned was refused mortgage interest supplement on 27 March 2009 as this condition was not satisfied.

The Executive further advised that the person concerned made a new application for mortgage interest supplement on 24 January 2011. However, no decision has been made on his application to date. The Executive will contact the person concerned directly when a decision has been made.

Question No. 172 withdrawn.

173. **Deputy Finian McGrath** asked the Minister for Social Protection the position regarding housing and rent supplement in respect of a person (details supplied) in Dublin 5. [5085/11]

Minister for Social Protection (Deputy Joan Burton): The Health Service Executive has advised that there is no record of an application for rent supplement from the person concerned. If the person concerned wishes to make an application for rent supplement then she should contact the Community Welfare Officer at her local health centre.

Ministerial Staff

174. **Deputy Michael McGrath** asked the Minister for Tourism, Culture and Sport the arrangements he has put in place for constituency offices within his Department. [5239/11]

Minister for Tourism, Culture and Sport (Deputy Jimmy Deenihan): At this stage, any final arrangements for constituency offices within my Department are not yet in place. However, I can assure the Deputy that the numbers that will serve in my constituency office and in the constituency office of the Minister of State in my Department will comply with the revised instructions/guidelines on the matter agreed by the Government. My former Dáil Secretary and Parliamentary Assistant will serve in my constituency office.

Ministerial Responsibilities

175. **Deputy Billy Kelleher** asked the Minister for Tourism, Culture and Sport the specific powers he intends to delegate to Ministers of State in his Department. [5258/11]

Minister for Tourism, Culture and Sport (Deputy Jimmy Deenihan): The government at its meeting of 10 March 2011, on the nomination of the Taoiseach, appointed Mr. Dinny McGinley, T.D., as Minister of State with responsibility for Gaeltacht Affairs at the Department of Arts, Heritage & Gaeltacht Affairs. My Department will soon be retitled the Department of Arts, Heritage & Gaeltacht Affairs following the execution of the necessary government orders.

The process of transferring functions from one Department to another is carried out by means of Government Orders. Each Order needs to be carefully drafted so that all relevant legislation is listed in the Schedule to the Order. The Departments which currently hold the functions which are being transferred to my Department are fully engaged in this task at present. The draft Orders will need to be finalised and settled in the Office of the Parliamentary Counsel before they can be brought to Government.

Once this process has been finalised, it is the Minister for Finance who brings the necessary Orders to Government. At this stage, I cannot give a precise date for the formal transfer of functions as this depends on a number of factors, including the complexity of the legislation governing the particular functions.

I can assure the Deputy that everyone involved in the process, both in my own Department and in the other Departments concerned, is making every effort to complete it at the earliest possible date and I hope that it can be brought to conclusion within a matter of weeks.

On completion of this process a further order will be required to delegate functions to the Minister of State.

Sports Capital Programme

176. **Deputy Michael Creed** asked the Minister for Tourism, Culture and Sport the financial supports available to a Gaeltacht community that wishes to develop a new playing pitch all-weather facility; and if he will make a statement on the matter. [5438/11]

Minister for Tourism, Culture and Sport (Deputy Jimmy Deenihan): Grants for the provision of playing pitches in Gaeltacht areas are currently a matter for the Minister for Community, Equality and Gaeltacht Affairs.

Semi-State Bodies

177. **Deputy Michael Moynihan** asked the Minister for Communications, Energy and Natural Resources if the holding company to manage the State's holdings of the semi-State bodies mentioned on page 14 of the programme for Government is the same as NewERA. [5372/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): As set out in the document Government for National Recovery 2011-2016, it is proposed to establish a New Economy and Recovery Authority (New ERA). New ERA is envisaged to have an ambitious agenda with a particular focus on management of investments over the next 4 years in Next Generation infrastructure by streamlined and restructured Commercial State Companies.

The precise structure and remit of the "New Economy and Recovery Authority" will be developed urgently in consultation with the Department of Finance, Department of Environment, Community and Local Government, relevant State Companies and industry as appropriate.

Subject to this consultation, it is anticipated that New ERA would perform the role of a holding company of the State's stake in the Commercial State Companies as referred to on page 14 of Government for National Recovery 2011-2016.

Offshore Exploration

178. **Deputy Aengus Ó Snodaigh** asked the Minister for Communications, Energy and Natural Resources if he will reverse the decision to approve the construction of the Corrib gas pipeline (details supplied) taken on the day of the general election and instead take action to ensure that the principal benefactor from this natural resource is the Irish people. [5044/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): An application, pursuant to section 40 of the Gas Act, 1976, and Section 13 of the Petroleum and Other Minerals Development Act to construct the Corrib Gas Pipeline was submitted by Shell E & P Ireland Limited on behalf of the Corrib Partners on 31 May, 2010.

The detailed assessment of the application undertaken by my Department established that:

The pipeline may be considered safe and the Minister could, were he so minded, permit consent for construction subject to conditions that would ensure compliance with commitments made in submissions, regulations and national/international Standards.

The proposed construction activities and operation of the pipeline would not adversely affect the integrity of the Natura 2000 sites provided that the pipeline was constructed and operated:

within the planned parameters defined in the Application materials; and

in accordance with all proposed environmental conditions.

Subject to the specified engineering conditions, there are no engineering reasons consent to construct should not be given in accordance with the Application.

Having considered the foregoing the Minister granted his consent.

It is my understanding that the statutory process concerning the applications submitted by Shell E & P Ireland Limited as provided for in the Gas and Petroleum Acts has been followed and that the consents granted are valid consents. Accordingly, the issue of revocation does not arise.

Postal Services

179. **Deputy Michael Creed** asked the Minister for Communications, Energy and Natural Resources the position regarding the introduction of a postcode system and the consideration, if any, given by him to the fact that ESB Networks already has a unique identifier for each address in the country by virtue of the MPRN used for electricity supply; if he has investigated the possibility of this system being used to assist in the introduction of a cost-efficient postcode arrangement; and if he will make a statement on the matter. [5175/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): Ireland is the only country in the EU and OECD which does not have a national postcode system. The Department is currently engaged in the procurement process to appoint a postcode management licence holder. Under procurement rules it is not open to the Department to unilaterally select a particular service provider in this regard.

The procurement is seeking to appoint a supplier to fulfil the role of Postcode Management Licence Holder who will be responsible for establishing, operating and maintaining the Irish National Postcode System. The framework for the postcode system is the 6 digit alpha numeric model, publicly available and accessible model as recommended by the National Postcode

Project Board in 2006. The model will be capable of being further refined into a location-based code.

The Report of the National Postcode Project Board deals with the selection of a National Postcode System. It is available on my Department's website *www.dcenr.ie*.

Ministerial Staff

180. **Deputy Michael McGrath** asked the Minister for Communications, Energy and Natural Resources the arrangements he has put in place for constituency offices within his Department. [5227/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The exact staffing arrangements for my Constituency Office have yet to be finalised but will comply with the new reduced numbers as agreed at the Government meeting of 15 March 2011.

Ministerial Responsibilities

181. **Deputy Billy Kelleher** asked the Minister for Communications, Energy and Natural Resources the specific powers he intends to delegate to Ministers of State in his Department. [5246/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The Minister of State appointed by the Government to my Department and the Department of Environment, Community and Local Government has been assigned responsibility for the New ERA Project as set out in the document Government for National Recovery 2011-2016. This Project encompasses key areas of the Energy and Communications brief in my Department and both myself and the Minister of State will work closely together in progressing the New ERA Project.

Inland Fisheries

182. **Deputy Éamon Ó Cuív** asked the Minister for Communications, Energy and Natural Resources his plans to give permission to Inland Fisheries Ireland to employ staff in 2011 to continue with the work of trying to control African pond weed in Lough Corrib, otherwise known as lagarosiphon weed, in view of the fact that money has been made available by the Office of Public Works, Galway City Council and Galway County Council for this work in 2011; if his attention has been drawn to the damage being done to Lough Corrib by this weed; and if he will make a statement on the matter. [5291/11]

Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte): The negative impact of invasive aquatic species it is widely acknowledged. I can confirm that funding has been made available to Inland Fisheries Ireland (IFI) to continue in efforts at controlling the Lagorosiphon major weed in Lough Corrib. At present, IFI have a number of research staff employed on the project, which will continue to focus on control and containment. Work on the systematic removal of the weed using a wide range of tried and tested, as well as new and innovative, methods are being conducted over a three year period.

The contracts of three temporary personnel involved in cutting and clearing the weed, which was mainly done by scuba diving, expired in December 2010. It was not possible to renew these contracts because of the Public Service Staffing moratorium. Notwithstanding the ongoing constraints on public expenditure, IFI has indicated it will continue to prioritise this work from its available resources and is considering options for undertaking works to control this invasive species this year.

Local Authority Funding

183. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government the position regarding rates arrears in respect of a person (details supplied). [5271/11]

Minister for the Environment, Heritage and Local Government (Deputy Phil Hogan): Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes in accordance with the details entered in the valuation lists prepared by the independent Commissioner of Valuation under the Valuation Act 2001. The determination of the annual rate on valuation (ARV), which is applied to a property valuation to calculate rates, is a decision taken locally by the elected members of a local authority in their annual budget. Under rating law, the person in occupation of the property on the date of the making of the rate is liable for the rate for that year in entirety, regardless of when the property is vacated.

The levying and collection of rates are matters for each individual local authority and any query in relation to the billing in respect of a specific property is a matter for the local authority in question.

I am acutely aware of the pressures on small and medium sized businesses at the present time. My Department, this year and in recent years, has requested local authorities to exercise restraint in setting commercial rates to support competitiveness in the economy and protect the interests of communities. Local authorities have responded positively to these requests. Annual rates on valuation declined by a national average of 0.62% in 2010 and a similar reduction in 2011 is evident from the local authority budgets received in my Department to date. I will continue to keep the approach to rates by local authorities under regular review.

International Agreements

184. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Heritage and Local Government his plans to sign and ratify the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level. [5435/11]

Minister for the Environment, Heritage and Local Government (Deputy Phil Hogan): The Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level (agreed in 1992) has to date been signed and ratified by eight of the 47 member states, and signed by a further five. There are no proposals at this stage for Ireland to sign or ratify the Convention.

Turbary Rights

185. **Deputy Maureen O'Sullivan** asked the Minister for the Environment, Heritage and Local Government if he will clarify the position regarding the continuation or not of turf cutting on 32 designated raised bogs in view of the media reports (details supplied) concerning the ending of the derogation. [5014/11]

186. **Deputy Maureen O'Sullivan** asked the Minister for the Environment, Heritage and Local Government in view of the statement by his predecessor in April 2010 that the derogation permitting turf cutting was to end on the 75 natural heritage area bogs designated in 2004, if the sentence in the programme for Government that will allow an exemption for domestic turf cutting on 75 national heritage area sites subject to the introduction of agreed national code of environmental practices represents a resiling from this position. [5016/11]

187. **Deputy Maureen O’Sullivan** asked the Minister for the Environment, Heritage and Local Government the steps he took to ensure the ban on mechanised peat extraction for domestic purposes in the 32 special area of conservation raised bogs in 2010 was enforced; and if he will provide details of any breaches of which he is aware. [5017/11]

196. **Deputy Maureen O’Sullivan** asked the Minister for the Environment, Heritage and Local Government the position regarding the proposed ending of the derogation for mechanised peat extraction for domestic purposes relating to the 23 designated raised bogs that was scheduled to end in 2011. [5015/11]

197. **Deputy Maureen O’Sullivan** asked the Minister for the Environment, Heritage and Local Government the steps he will take to enforce any ban on mechanised peat extraction on designated raised bogs should breaches arise. [5018/11]

Minister for the Environment, Heritage and Local Government (Deputy Phil Hogan): I propose to take Questions Nos. 185 to 187, inclusive, 196 and 197 together.

Under the 1992 Habitats Directive Ireland agreed to protect various natural habitats which are of international importance, including by designating areas as Special Areas of Conservation (SACs) for their protection. Once designated, Ireland is obliged to monitor, protect and, where necessary, restore those habitats and species which are under threat. 55 sites have been designated as SACs for the conservation of raised bog habitat. In 2004, Ireland also designated 75 raised bogs as Natural Heritage Areas (NHAs) under the Wildlife Acts.

In 1999, arrangements were announced for the protection of the 31 raised bog sites that had been designated as SACs at that time. This included a 10-year national derogation during which domestic turf cutting could continue subject to certain restrictions. A similar 10-year derogation applied to the further 24 raised bog SACs and 75 raised bog Natural Heritage Areas (NHAs) designated after 1999.

In May 2010, the Government confirmed the end of the derogation for domestic turf cutting in these 130 Raised Bog conservation sites, on a phased basis, with restrictions being implemented on 31 bogs from 2010. The previous Government did not take any decision to amend or reverse their decision of May 2010.

An interim compensation scheme was put in place and land / turbary right owners that could be readily identified were notified directly of the restrictions and the compensation scheme. Advertisements were placed in local newspapers and on local radio.

My Department continued to monitor bogs in designated areas following the Government decision ending the derogation. In a number of cases contractors coming onto bogs to begin turf cutting discontinued their activities on having the situation explained to them.

The Programme for Government contains a commitment to the establishment of independent mediation between all relevant stakeholders with the specific objective of facilitating resolution to 55 Special Area of Conservation designated SAC bogs and to outstanding issues associated with turf cutting on blanket bogs.

I am giving early and urgent attention to this issue, and am currently working with my colleague Mr Jimmy Deenihan, TD, who will have responsibility for this matter as Minister for Arts, Heritage and Gaeltacht Affairs, in developing comprehensive proposals for Government reflecting the commitment in the Programme for Government. These proposals will also form the basis of Ireland’s response to a recent Letter of Formal Notice from the European Commission regarding Ireland’s alleged breaches of the Habitats and Environmental Impact Assessment Directives in relation to the issue of peat extraction.

[Deputy Phil Hogan.]

The European Commission has also expressed concern regarding turf-cutting on raised bog Natural Heritage Areas. In addressing this issue, and achieving compliance with European law, we will also seek to accommodate the rights and wishes of turbary right owners in these sites, in accordance with the provisions of the Programme for Government of the Habitat Directive.

This Government will seek to resolve the long-standing issues regarding peat extraction on protected sites by working with local communities to address legitimate concerns while ensuring that Ireland is in compliance with EU environmental legislation. The proposals which are now being developed will put in place a range of measures designed to meet these twin aims.

188. **Deputy Maureen O’Sullivan** asked the Minister for the Environment, Heritage and Local Government, further to Parliamentary Question No. 225 of 4 November 2010, if he will re-examine the reply to same and inform this Deputy of the steps he proposes to take to ensure that projects for the extraction of peat meet the requirements of this judgment. [5019/11]

Minister for the Environment, Heritage and Local Government (Deputy Phil Hogan): My Department is currently reviewing certain aspects of planning regulations relevant to the application of the Environmental Impact Assessment Directive both in the context of Ireland’s proposals to address the findings of a European Court of Justice case on on-farm developments as well as broader application of environmental impact assessment for peat extraction. I note the continuing concern expressed in successive questions by the Deputy in respect of the environmental impact assessment of peat extractions. As part of the above mentioned review, my Department is preparing new regulations which will, *inter alia*, address peat extraction and EIA. These will be submitted to the Oireachtas for approval by positive resolution in the near future.

Water and Sewerage Schemes

189. **Deputy Michael P. Kitt** asked the Minister for the Environment, Heritage and Local Government when sanction will be given for the commencement of the Milltown/Claregalway sewerage scheme, County Galway; and if he will make a statement on the matter. [5043/11]

Minister for the Environment, Heritage and Local Government (Deputy Phil Hogan): The Claregalway and Milltown Sewerage Schemes have been amalgamated by Galway County Council into a single project that is included in my Department’s Water Services Investment Programme 2010-2012, a copy of which is available in the Oireachtas Library. This project, under which the Council will provide new waste water treatment plants and collection networks at both locations at an estimated cost of €13.5 million, is amongst the list of contracts in the county to advance to construction by 2012.

My Department is currently examining the contract documents for the combined Claregalway and Milltown Scheme and a decision on those documents will be conveyed to the Council as soon as possible. Once approved, the Council will then be in a position to seek tenders for the combined scheme.

Ministerial Staff

190. **Deputy Michael McGrath** asked the Minister for the Environment, Heritage and Local Government the arrangements he has put in place for constituency offices within his Department. [5232/11]

Minister for the Environment, Heritage and Local Government (Deputy Phil Hogan): Arrangements for the staffing of the constituency offices in my Department are not yet finalised. However, the Constituency Offices, along with the Private Offices, will be staffed in accordance with the agreed reduced staffing limits decided by the Government last week.

Ministerial Responsibilities

191. **Deputy Billy Kelleher** asked the Minister for the Environment, Heritage and Local Government the specific powers he intends to delegate to Ministers of State in his Department. [5251/11]

Minister for the Environment, Heritage and Local Government (Deputy Phil Hogan): Mr. Willie Penrose, TD, has been appointed Minister of State at my Department, with responsibility for Housing and Planning. In addition, Mr. Fergus O'Dowd, TD, has been appointed Minister for State at the Department of Communications, Energy and Natural Resources and at my own Department with responsibility for the NewERA Plan. I will be delegating comprehensive housing and planning functions to Minister of State Penrose, and water services functions appropriate to his responsibility for "Irish Water", a new utility to be established under New-ERA, to Minister of State O'Dowd.

Road Network

192. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Heritage and Local Government the progress that has been made in the preparation of a proposal or discussion document that has been worked on in consultation with Galway County Council in regard to the proposed R336 scheme west of Galway to Screeb; his plans to arrange a meeting with CION officials; when this meeting will take place; the person who will be on the delegation to meet the CION officials; and if he will make a statement on the matter. [5296/11]

Minister for the Environment, Heritage and Local Government (Deputy Phil Hogan): My Department and Galway County Council have been in discussion regarding this proposed roads project insofar as it may impact on areas designated for conservation purposes under European law. The County Council has prepared a detailed document in this regard and my Department has provided appropriate advice and guidance. The European Commission has agreed to meet with officials from Galway County Council in regard to the project during the coming weeks. It has not yet been decided who from my Department will attend this meeting.

Turbary Rights

193. **Deputy Noel Coonan** asked the Minister for the Environment, Heritage and Local Government the position regarding the purchase of bog lands (details supplied) in County Tipperary; the reason for the delay in processing this application; and if he will make a statement on the matter. [5361/11]

Minister for the Environment, Heritage and Local Government (Deputy Phil Hogan): Contracts of sale in this case were executed on my behalf in October 2008. However, before the sale was closed it was discovered that the vendor had rented the land in question, and the associated turbary rights, to a third party. The Chief State Solicitor's Office advised that a deed of variation would be required and they are working to resolve this matter. I am advised that this will facilitate closure of the sale.

Public Procurement

194. **Deputy John Deasy** asked the Minister for the Environment, Heritage and Local

[Deputy John Deasy.]

Government the changes in the tender process as it pertains to building or construction contracts awarded by local authorities over the past 24 months; and the pertinent departmental circulars which are relevant to any such changes over that period. [5384/11]

Minister for the Environment, Heritage and Local Government (Deputy Phil Hogan): All capital investment projects funded by my Department are subject, *inter alia*, to EU and national public procurement requirements and guidance, as set out by the Department of Finance, relating to capital project management in the public sector. It is a matter for local authorities, as contracting authorities, to administer procurement processes in accordance with the relevant requirements and guidance.

The Department of Finance has published a suite of contract documentation to be used by public contracting authorities in the procurement of public works contracts. The relevant documentation is available online at www.constructionprocurement.gov.ie. These standard forms of contract are used by local authorities engaged in projects funded under my Department's capital programmes. Relevant circulars, published by the Department of Finance and available on the website, include:

- Circular 10/10 — Facilitating SME Participation in Public Procurement;
- Circular 07/10 — Construction Contracts and Conditions of Engagement Approval;
- Circular 06/10 — The New Capital Works Management Framework;
- Circular 04/08 — Construction Procurement Reform (Short Public Works Contracts and other measures).

My Department has brought these circulars to the attention of local authorities.

Electoral System

195. **Deputy Joe Costello** asked the Minister for the Environment, Heritage and Local Government if he will consider establishing a Dáil constituency or Seanad panel for Irish emigrants; and if he will make a statement on the matter. [5389/11]

Minister for the Environment, Heritage and Local Government (Deputy Phil Hogan): The programme for Government sets out a comprehensive range of constitutional reform measures, including putting to the people, for decision by referendum, a proposal for the abolition of the Seanad and a review of the Dáil electoral system by a Constitutional Convention. I will bring forward proposals for change to electoral law in light of the decisions for change which may arise from these processes.

Questions Nos. 196 and 197 answered with Question No. 185.

Citizenship Applications

198. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for citizenship in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [5021/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): Officials in the Citizenship section of my Department inform me that there is no record of an application for a certificate of naturalisation from the person referred to in the Deputy's question. 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.

Asylum Applications

199. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding residency in respect of a person (details supplied) in County Louth; and if he will make a statement on the matter. [5024/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the person concerned made an application for Family Reunification on behalf of her husband in January 2010. The application was forwarded to the Refugee Applications Commissioner for investigation as required under Section 18 of the Refugee Act 1996. This investigation has been completed and the Commissioner has forwarded a report to INIS.

This application is currently under consideration and the person's legal representative will be contacted shortly by INIS. 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.

200. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding residency in respect of a person (details supplied) in Dublin 6; and if he will make a statement on the matter. [5025/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): I refer the Deputy to the reply given to his Parliamentary Question No. 969 of Wednesday 29 September, 2010. The status of the person concerned, as set out in that reply, remains unchanged. The person concerned is the subject of a Deportation Order, signed on 12 July 2004, following a comprehensive and thorough examination of his asylum claim, and a detailed examination of the representations he submitted for consideration under Section 3 of the Immigration Act 1999 (as amended).

The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order is an operational matter for the Garda National Immigration Bureau. 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.

201. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for residency in respect of a person (details supplied) in County Wexford; and if he will make a statement on the matter. [5026/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): 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 11 November 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

[Deputy Alan Shatter.]

to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection and this application will be considered first. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Asylum Support Services

202. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform if accommodation in Dublin will be offered to a person (details supplied) in County Wexford; and if he will make a statement on the matter. [5027/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): The housing requirements of individual asylum seekers are dealt with on a case by case basis by the Reception and Integration Agency (RIA) of my Department. Queries in relation to the status of individual immigration cases, including accommodation status at the RIA, can be made directly to the Irish Naturalisation and Immigration Service (INIS), of which the RIA is a division, by Email using the Oireachtas Mail facility which has been specially established for this purpose. This service enables up-to-date information on such cases to be obtained promptly by Oireachtas representatives.

Residency Permits

203. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for residency in respect of a person (details supplied) in Dublin 2; if a review can or will be undertaken in this matter; and if he will make a statement on the matter. [5028/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): I refer the Deputy to the Reply given to his Parliamentary Question No. 1108 of Wednesday, 25 September 2010, Parliamentary Question No. 149 of Thursday, 25 November 2010 and Parliamentary Question No. 517 of Wednesday, 12 January 2011. The status of the person concerned, as set out in that reply, remains unchanged.

The person concerned is the subject of a Deportation Order following a comprehensive and thorough examination of his asylum claim and a detailed examination of the representations he submitted for consideration under Section 3 of the Immigration Act 1999 (as amended). If there has been a change in the circumstances of the person concerned, or new information has

come to light which has a direct bearing on his case, there remains the option of applying to me for revocation of the Deportation Order 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.

The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order is an operational matter for the Garda National Immigration Bureau. 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.

Asylum Applications

204. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding residency in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [5029/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): Arising from the refusal of her 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 31 August 2009, that the Minister proposed to make a Deportation Order in respect of her. She 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 her. In addition, she was notified of her entitlement to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

205. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for residency and leave to remain in respect of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [5030/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): 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 9 February 2009, that the Minister proposed to make a Deportation Order in respect of him. He was given the

[Deputy Alan Shatter.]

options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. In addition, he was notified of his entitlement to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

206. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for leave to remain in respect of persons (details supplied) in County Longford; and if he will make a statement on the matter. [5031/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): The persons concerned are a wife and husband. They lodged separate asylum applications, in 2008 and in 2007 respectively. Arising from the refusal of their respective asylum applications, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), they were separately notified, she by letter dated 25 November 2009 and he by letter dated 13 May 2009, that the Minister proposed to make Deportation Orders in respect of them. They were each 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 Deportation Orders should not be made against them. In addition, they were notified of their respective entitlements to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The persons concerned submitted individual applications for Subsidiary Protection and these applications will be considered first. When consideration of these applications has been completed, the persons concerned will be notified in writing of the outcomes. In the event that the applications for Subsidiary Protection are refused, the positions in the State of the persons 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 files are passed to me for decision. Once decisions have been made, these decisions and the consequences of the decisions will be conveyed in writing to the persons 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.

207. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for residency or leave to remain in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [5032/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): 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 14 November 2005, 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. He was subsequently notified of his entitlement to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection in the State and, following consideration of this application, it was determined that the person concerned was not eligible for Subsidiary Protection in the State. The person concerned was notified of this decision by letter dated 8 March 2011. 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.

208. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application under subsidiary protection in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [5033/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): 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 27 July 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 person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be

[Deputy Alan Shatter.]

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.

209. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the current or expected position regarding residency in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [5034/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): Arising from the refusal of her 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 November 2006, that the Minister proposed to make a Deportation Order in respect of her. She 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 a Deportation Order should not be made against her. In addition, she was notified of her entitlement to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

210. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for residency and leave to remain in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [5035/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): 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 16 February, 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 a Deportation Order should not be made against him. In addition, he was notified

of his entitlement to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

211. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the current or expected residency status in respect of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [5036/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): 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 10 September, 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 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 provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

212. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for residency in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [5037/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): 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 13 January 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 a Deportation Order should not be made against him. He was subsequently notified of his entitlement to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome. In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

213. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding current residency status in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [5038/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): 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 30 September 2005, 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 a Deportation Order should not be made against him.

Representations have been received on behalf of the person concerned and these representations will be fully considered, under 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, 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.

214. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding residency in respect of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [5039/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): Arising from the refusal of her 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 10 July, 2007, that the Minister proposed to make a Deportation Order in respect of her. She 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 she should not have a Deportation Order made against her. She was also notified of her entitlement to apply for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection and, following consideration of this application, it was determined that she was not eligible for Subsidiary Protection. The person concerned was notified of this decision by letter dated 25 April, 2008.

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.

Proposed Legislation

215. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice and Law Reform his plans to progress the Spent Convictions Bill; his plans to make significant amendments and the expected timeframe for the completion of same. [5045/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): The Deputy will be aware that the Spent Convictions Bill 2007 lapsed in the normal way upon the dissolution of the last Dáil. He will also recall that the principles and objectives of that Bill attracted broad support in the House when debated at Second Stage. I share in that consensus and I can inform the Deputy that I propose to proceed with legislation in this area. However, before doing so, I wish to take a fresh look at the proposal, to enhance its operational aspects and to establish very clearly its scope. I expect to be in a position to proceed with my proposals later this year.

Garda Vetting Services

216. **Deputy Jack Wall** asked the Minister for Justice and Law Reform the position regarding an application for Garda clearance in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [5158/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): I am informed by the Garda Authorities that two applications for vetting in respect of the person to whom the Deputy refers have been received by the Garda Central Vetting Unit and are in the course of being processed. A response will issue to the registered organisations in due course.

Citizenship Applications

217. **Deputy Jack Wall** asked the Minister for Justice and Law Reform the position regarding

[Deputy Jack Wall.]

an application for Irish citizenship in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [5178/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): I can inform the Deputy that my predecessor approved the application for a certificate of naturalisation from the person in question and the applicant was informed of this in a letter dated 17 January 2011.

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.

Parking Regulations

218. **Deputy Finian McGrath** asked the Minister for Justice and Law Reform the position regarding illegal parking at a location (details supplied) in Dublin 9. [5193/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): I am informed by the Garda authorities that the area referred to is within Clontarf Garda Sub-District. Local Garda management is not aware of any specific complaints of illegal parking in the area. A member of the local Community Policing Unit is specifically assigned to the area referred to and will raise the issue of illegal parking with local residents. The matter will be closely monitored, and any breaches of the parking regulations detected will be addressed.

The area is the subject of regular patrols by uniform and plain clothes personnel, including the Community Policing Unit and Mountain Bike Unit, supplemented as required by Traffic Corps personnel.

Local Garda management closely monitors and keeps under review patrols and other operational strategies in place, in conjunction with crime trends and policing needs of the communities in the area, to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public. The situation is kept under review.

Road Traffic Offences

219. **Deputy Finian McGrath** asked the Minister for Justice and Law Reform the position regarding speeding at a location (details supplied) in Dublin 3. [5194/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): I am informed by the Garda authorities that the area referred to is within Clontarf Garda Sub-District. Local Garda management is not aware of any specific complaints regarding speeding in the area. A member of the local Community Policing Unit is specifically assigned to the area and will contact local residents to ensure that issues arising are dealt with appropriately.

The area is the subject of regular patrols and checkpoints by uniform and plain clothes personnel, including the Community Policing Unit, the Mountain Bike Unit and Divisional Traffic Corps personnel.

Local Garda management closely monitors and keeps under review patrols and other operational strategies in place, in conjunction with crime trends and policing needs of the communities in the area, to ensure optimum use is made of Garda resources and the best possible Garda service is provided to the public. The situation is kept under review.

Ministerial Staff

220. **Deputy Michael McGrath** asked the Minister for Justice and Law Reform the arrangements he has put in place for constituency offices within his Department. [5236/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): I can inform the Deputy that I am in the process of establishing a Constituency Office in the Department of Justice and Law Reform. I will not have a Constituency Office in the Department of Defence.

Ministerial Responsibilities

221. **Deputy Billy Kelleher** asked the Minister for Justice and Law Reform the specific powers he intends to delegate to Ministers of State in his Department. [5255/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): The precise allocation of responsibilities and powers to my Ministers of State will only become clear following the formal transfer of certain functions from the current Department of Community, Equality and Gael-tacht Affairs to my Department. I expect this to take place in the near future.

Garda Recruitment

222. **Deputy Michael Creed** asked the Minister for Justice and Law Reform if he is satisfied that the issue of an upper age limit on recruitment for new members of the Garda Síochána does not constitute age discrimination; if he will consider granting an exemption from this upper age limit to those that are already working as members of the Garda Reserve; and if he will make a statement on the matter. [5277/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): Recruitment to An Garda Síochána is governed by Statutory Regulations, namely the Garda Síochána (Admission & Appointments) Regulations 1988/2005. The recruitment age was considered as recently as 2004 when, on the recommendation of the Garda Commissioner, the maximum recruitment age was increased from 26 to 35 years.

This upper age limit of 35 was set having regard to equality legislation and also took into account the following criteria:

- (1) The cost of training
- (2) The need for recruits to serve for a sufficient period of time as full members of the service to recoup this cost.
- (3) The operational requirements of the service in terms of having an age profile appropriate to the physical demands placed on members in the course of their duty.

Consideration is being given to changing the upper age limit, in limited circumstances, in a way which would be beneficial to An Garda Síochána. The Deputy will also be aware that the Garda Síochána (Admissions and Appointments) (Amendment) Regulations 2006, allow the Public Appointments Service to give due recognition to any satisfactory service by a person as a reserve member of the Garda Síochána.

Citizenship Applications

223. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Law Reform further to Parliamentary Question No. 924 of 29 September 2010 and No. 167 of 1 February 2011 when the outstanding information will issue. [5427/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): I can advise the Deputy that a further letter in relation to the information requested is being issued from my Office today.

Sale of Alcohol

224. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Law Reform further to Parliamentary Question No. 310 of 25 January 2011, the position regarding same. [5428/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): Section 14 of the Intoxicating Liquor Act 2008 makes provision for the test purchasing of alcohol products. The primary objective of the scheme, which entered into force on 1 October 2010, is to enable An Garda Síochána to target those licensed premises which are suspected of engaging in illegal sales of alcohol to young people.

It also provides that the Minister for Justice and Law Reform shall issue guidelines in respect of the procedures to be followed with respect of the practical operation of the scheme following consultation with the Garda Commissioner and the Minister for Health and Children. I am informed by the Garda authorities that, up to 17 March, 2011, section 14 of the 2008 Act has been invoked in respect of 29 licensed premises. Statistics provided are operational and liable to change.

Visa Applications

225. **Deputy Mary Lou McDonald** asked the Minister for Justice and Law Reform if persons entering the State on student visas are being required to carry €3,000 cash on their person as a result of the new regime for non-EEA students; and if he will make a statement on the matter. [5431/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): There has always been a requirement for full time non-EEA students to demonstrate access to sufficient funds to support themselves during their period of study in Ireland. In that regard from 1 April 2011 all non-EEA students will be required to demonstrate that they have access to €3,000 at first registration. The *Guidelines for Degree Programme Students* and the *Guidelines for Language and Non-Degree Programme Students*, as published on the website of the Irish Naturalisation and Immigration Service, www.inis.gov.ie, clearly state that students must provide a bank statement, from an Irish bank, showing that they have access to €3,000 at first registration. This is a welfare condition to ensure that a student can support themselves in the initial months of their stay in Ireland. In that regard the student is not required to carry €3,000 cash on their person. This condition applies to all non-EEA students irrespective of whether or not their nationality requires a visa for the purposes of entering the State.

Asylum Applications

226. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Justice and Law Reform if records are kept of the number of asylum seekers with a disability; the methodology used to identify the presence of a disability and the services available to asylum seekers with a disability. [5436/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): On the question of the methodology used to identify persons with a disability, I am advised by the Office of the Refugee Applications Commissioner (ORAC) that information is sought from asylum applicants when completing their application questionnaire in relation to whether they have a disability or medical condition which is relevant to, or may affect their asylum application, or which would necessitate the provision of special facilities during their asylum interview. They are further

queried at interview stage in relation to any issues which may inhibit their ability to engage in the refugee status determination process. In this context the Commissioner has also informed me that a number of personnel from all front line units have received disability awareness training, with the most recent training provided in September 2010.

The information requested by the Deputy in relation to the number of asylum seekers with a disability is not readily available as aggregate figures in respect of the questionnaire data are not maintained by the ORAC. All asylum seekers are provided with the same medical services as are available to the general population. Details in relation to the services available to persons with a disability are primarily a matter for the HSE.

Citizenship Applications

227. **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 22; and if he will make a statement on the matter. [5020/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): 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 January 2008.

The application is being processed in the normal way with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will be submitted to me for decision in due course. While the average time from application to decision is 26 months, processing requirements and time taken to carry out necessary checks vary from case to case. I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Residency Permits

228. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding residency in respect of a person (details supplied) in Dublin 24; and if he will make a statement on the matter. [5022/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): 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. The case is currently under consideration by INIS. I understand that some further information is necessary in order to progress the application and INIS are in ongoing contact with the person's legal representative in this regard.

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.

Asylum Applications

229. **Deputy Bernard J. Durkan** asked the Minister for Justice and Law Reform the position regarding an application for residency in respect of a person (details supplied) in County Cavan; and if he will make a statement on the matter. [5023/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): I am informed by the Irish Naturalisation and Immigration Service (INIS) that the person referred to by the Deputy has no application pending for residency. The person concerned is the subject of a Deportation Order following a comprehensive and thorough examination of his asylum claim, his application for subsidiary protection and his representations under Section 3 of the Immigration Act, 1999 (as amended).

He has been evading his deportation since 16 March 2010 and should he come to the notice of the Garda authorities, he would be liable to arrest and detention. He should, therefore, present himself to the Garda National Immigration Bureau without any further delay. The enforcement of the Deportation Order is an operational matter for the Garda National Immigration Bureau.

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.

Grant Payments

230. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive their REP scheme payment; and if he will make a statement on the matter. [4849/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): My Department has no record of a REPS 4 application from the person named.

231. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food when REP scheme 4 payment will issue in respect of a person (details supplied) in County Kerry. [4850/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named commenced in REPS 4 on 1 April 2008 and payments have issued for the 2008 and 2009 scheme years. The 2010 REPS 4 application is currently under examination following an issue in relation to areas declared on the Single Payment application. My officials have written to the person named to resolve the issue.

232. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food when REP scheme payment will issue in respect of a person (details supplied) in County Kerry. [4851/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named commenced in REPS 4 on 1 January 2010. The 2010 REPS 4 application is currently under examination following the discovery of an issue relating to re-digitisation of land parcels. My officials have written to the person named regarding the matter.

Departmental Schemes

233. **Deputy Pearse Doherty** asked the Minister for Agriculture, Fisheries and Food if he will uphold the recommendations of the Ombudsman in relation to the lost at sea scheme; if he will compensate a family (details supplied) as per the recommendations; and if he will make a statement on the matter. [4852/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): In November 2004, a member of the family in question made a complaint to the Ombudsman that the decision to refuse his family's application under the Lost at Sea Scheme was unfair.

After extensive examination and correspondence between the various parties, the Ombudsman found for the complainant in her first draft report, and made a recommendation to award substantial monetary compensation to the family. The Ombudsman concluded that the particular family did not meet at least two of the conditions of the scheme but that it had been adversely affected by the failure of their application.

The Department of Agriculture, Fisheries and Food, which assumed responsibility for fisheries and aquaculture in October 2007, rejected both the Ombudsman's findings and her recommendation to award monetary compensation in the amount specified or any amount. The Department stated that the scheme was administered fairly and that there was no basis for payment of monetary compensation as the conditions of the scheme were not met in the case of this application.

On 14 December 2009, the Ombudsman submitted a Special Report to each House of the Oireachtas in accordance with Section 6(5) and 6(7) of the Ombudsman Act 1980.

The Ombudsman's Special Report received extensive debate time in both the Dáil and in Seanad Éireann, as well as having been thoroughly analysed and considered in a series of meetings by the Joint Committee on Agriculture, Fisheries and Food and reports issued to both Houses thereon.

It was the decision of the Joint Committee that it was not in a position to recommend acceptance of the Ombudsman's special report to the Houses of the Oireachtas.

234. **Deputy John McGuinness** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Kilkenny was refused support under the agri-environment options scheme; if their case will be reviewed based on the fact that a genuine error was made in their application. [4853/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named submitted an application for the Agri-Environment Options Scheme on 10 May 2010.

One of the eligibility conditions of the Agri-Environmental Options Scheme requires that farmers with lands designated as Special Areas of Conservation or Special Protection Areas submit a sustainable management plan drawn up by a planner with their application. The person named farms land designated as a Special Area of Conservation and did not comply with this eligibility requirement. The person named was informed in writing that his application was not successful and advised of the appeals procedure open to him.

Grant Payments

235. **Deputy John McGuinness** asked the Minister for Agriculture, Fisheries and Food if REP scheme payments will issue to a person (details supplied) in County Kilkenny without delay. [4854/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The above named joined REPS 4 in June 2009 and received his year 1 payment in April 2010. Following an SPS inspection the year 2 payment has been processed and payment will issue within 10 days.

236. **Deputy John McGuinness** asked the Minister for Agriculture, Fisheries and Food if REP scheme 4 payments will be issued in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [4855/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named commenced in REPS 4 on 1 October 2009 and payment has issued for the 2009 scheme year. His 2010 REPS 4 application is currently under examination following the submission of an adjusted plan.

237. **Deputy John McGuinness** asked the Minister for Agriculture, Fisheries and Food if he will expedite approval for a forestry application in respect of a person (details supplied) in County Kilkenny; the reason for the delay in same; and if he will make a statement on the matter. [4856/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): I understand that a technical afforestation (FEPS) approval issued to the person in question on 14 March 2011.

238. **Deputy John McGuinness** asked the Minister for Agriculture, Fisheries and Food if REP scheme payments will be made in respect of a person (details supplied) in County Carlow; and if the matter will be expedited as it dates back to November 2010. [4857/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The above named commenced REPS 4 in December 2009 and received his year 1 payment that same month. The file is being examined by my officials.

239. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will be paid their REP scheme 4 grant; and if he will make a statement on the matter. [4858/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named commenced in REPS 4 on 1 May 2009 and has received payment for the year 2009. His 2010 payment application is being processed and payment will issue within two weeks.

Forestry Sector

240. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food if Coillte has sold trees to any pension companies; and if so, the value and the extent of the trees sold to date. [5004/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Since its establishment in 1989 Coillte has sold approximately 11,500 hectares (approx 3% of its estate) of immature forests to forestry investment funds, realising €80 million.

The sale agreements confer rights on the purchaser to harvest timber at maturity. Coillte retains ownership of the land, carbon rights and other assets. Coillte also manages these forest plantations on behalf of the purchasers.

Semi-State Bodies

241. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food if he will provide a guarantee that Coillte land or other assets will not be sold off in whole or in part to private investors; and if he will make a statement on the matter. [5011/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Coillte is one of 28 commercial state bodies that are currently being reviewed by the Review Group on State Assets and Liabilities chaired by Mr. Colm McCarthy. No decisions have yet been taken by the Government about the future of Coillte.

Genetically Modified Organisms

242. **Deputy Aengus Ó Snodaigh** asked the Minister for Agriculture, Fisheries and Food his plans to revert to Ireland's previous stance in the EU on GM crops and foods. [5046/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): I wish to inform the Deputy that responsibility for issues relating to the cultivation of GM crops in Ireland rests with my colleague Mr Phil Hogan, T.D. Minister for Environment, Heritage and Local Government while responsibility for GM foods rests with the Minister for Health and Children Dr James Reilly, T.D. I have responsibility for issues relating to GM animal feed.

All applications for authorisation by the EU to place feed products consisting of, or containing, genetically modified ingredients on the markets of Member States will be considered on a case by case basis. However, I see no reason to impede the availability of feed products that have been deemed to be safe by EFSA.

Approval of these products will provide options for our producers and consumers, but ultimately it is they who will decide whether these products are actually used. This seems to me a balanced and rational way to deal with the issue of genetically modified feed products.

Grant Payments

243. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food when REP scheme payment will issue to a person (details supplied) in County Clare; and if he will make a statement on the matter. [5129/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named commenced in REPS 4 on 1 May 2008 and has received 100% payment for scheme years 2008, 2009 and 2010.

244. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food when a grant for a milk parlour will issue to a person (details supplied) in County Kerry. [5130/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named is an applicant under the Farm Improvement Scheme. Tax clearance is outstanding in relation to one of the contractors employed to carry out the investment works concerned and my Department cannot further process the payment claim until this outstanding documentation is received. My Department has been in contact with the person named regarding the matter.

245. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food further to Parliamentary Question No. 96 of 8 December 2010, when payment will issue in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [5131/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): An application under the 2010 Single Payment Scheme/Disadvantaged Areas Scheme was received from the person named on 13 May 2010. Payments under the 2010 Single Payment Scheme and Disadvantaged Areas Scheme have commenced nationally on 18 October 2010 and 22 September 2010 respectively.

The person named submitted an application with 8 land parcels, 4 of which required re-digitisation. My Department has completed this process. Payments under the Single Payment Scheme were made to the applicant in respect on eligible land parcels on 18 October 2010 and 1 December 2010, with the final balancing payment mad on 16 December 2010. An advance

[Deputy Simon Coveney.]

payment under the Disadvantaged Areas Scheme was made on 21 September 2010 and the balancing payment issued to the applicant on 22 December 2010.

246. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food when payment will issue to a person (details supplied) in County Clare; and if he will make a statement on the matter. [5132/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named commenced REPS 4 in June 2009 and received his year 1 payment in December of that year. Payment for the 2010 year was issued to the person named on 8th March 2011.

247. **Deputy Noel Coonan** asked the Minister for Agriculture, Fisheries and Food the position regarding a dairy efficiency scheme payment in respect of a person (details supplied) in County Tipperary; when payment will issue; the reason for the delay in issuing same; if all required documentation has been submitted in this case; and if he will make a statement on the matter. [5133/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Article 68(1) of Council Regulation (EC) 73/2009 makes provision for the use of unused Single Payment Scheme funds to address specific disadvantages affecting farmers; in recognition of dairying being an economically vulnerable type of farming, it was decided that €18 million of these unused funds would be used to support a three-year Dairy Efficiency Programme. The Programme encourages efficiency gains on dairy farms through an expansion in the level of participation in discussion groups. A total of up to €6 million per annum will be made available to eligible participants in each of 2010, 2011 and 2012.

My Department is currently in the process of reconciling the 2010 returns, with a view to establishing the precise number of eligible participants, following which the payment rate for 2010 will be established, with payments issuing shortly thereafter to those confirmed eligible. The person named is a participant in the Programme and returns received from the Group Facilitator have confirmed eligibility for payment, which will issue directly to the nominated bank account of the person named once payments commence.

248. **Deputy Noel Coonan** asked the Minister for Agriculture, Fisheries and Food the position regarding a REP scheme payment in respect of a person (details supplied) in County Tipperary; when payment will issue; the reason for the delay in issuing same; and if he will make a statement on the matter. [5134/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named commenced in REPS 4 on 1 August 2008 and has received 100% payment for scheme years 2008, 2009 and 2010.

Semi-State Bodies

249. **Deputy Finian McGrath** asked the Minister for Agriculture, Fisheries and Food his plans not to sell off our forests and woodlands in view of the fact that they are a national asset. [5160/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Coillte is one of 28 commercial state bodies that are currently being reviewed by the Review Group on State Assets and Liabilities chaired by Mr. Colm McCarthy. No decisions have yet been taken by the Government about the future of Coillte.

Grant Payments

250. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food when national reserve entitlements and any other outstanding payments will issue in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [5162/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named submitted an application for consideration of an allocation of entitlements under the New Entrant category of the 2010 National Reserve. This category caters for farmers who commenced farming after 15 May 2008. Successful applicants under this category are required to meet certain criteria in relation to income limits and educational qualifications. My Department has now received confirmation from Teagasc that the person named has attained the educational qualifications required.

The person named is now eligible and has been allocated National Reserve entitlements. A letter outlining full details of the allocation has been issued to him and payment will follow shortly.

Departmental Schemes

251. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food his plans to introduce incentives for farmers to adopt rainwater harvesting measures on their farm; and if he will make a statement on the matter. [5165/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): A Rainwater Harvesting Scheme was introduced by my Department on 8 March 2011 in order to provide grant-aid for the installation of equipment for rainwater harvesting and treatment. The rate of grant-aid is 40% up to a maximum eligible investment ceiling of €25,000, i.e. a maximum grant of €10,000.

Details of the terms and conditions of the Scheme and the relevant grant application form are available on my Department's website.

Pigmeat Sector

252. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food if he will take any measures to support the pig industry at present, which is in a crisis due to a severe increase in the cost of feed; and if he will make a statement on the matter. [5186/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The pig industry is a valuable component of the overall agri-food sector, and has a farm gate value in excess of €300 million. The sector supports approximately 7,000 jobs including production, slaughter, processing, feed manufacture and services and these are dispersed around the country.

Following a difficult year in 2009 prices began to recover early last year. This continued in the second quarter of the year to the extent that year on year prices exceeded 2009 levels in early July 2010. This recovery continued and, while the usual seasonal decline following the end of the barbecue season was again experienced, it was not to the same extent as in previous years. As a result, annual 2010 prices remained above 2009 levels and in the week ending 13th March, 2011 are still over 10% ahead of the same week last year. In general, Irish price movements over recent years have mirrored those of the EU as a whole.

Notwithstanding that, I am aware of the acute difficulties currently being experienced by the pig sector in Ireland and elsewhere.

[Deputy Simon Coveney.]

The biggest issue for producers at the moment remains feed costs, most notably cereals and compound feed and this is an EU and indeed a global issue.

Difficulties in maintaining credit facilities with suppliers and banks are exacerbating this situation. My Department met with the Irish Banking Federation in January and impressed upon them the necessity of improving and maintaining the credit flow to pig farmers.

There have also been a number of initiatives taken at EU level, following calls from Ireland and other Member States for support for the sector. The Aids to Private Storage scheme introduced in January 2011 has helped to underpin an upward trend in price and the Irish producer price is approximately €135/100kgs at present. This scheme, having taken 142,000 tonnes of pigmeat off the market, was suspended with effect from 22 February.

Furthermore, at February's meeting of the Management Committee for the Common Organisation of the Agricultural Markets (Animal Products Sector) Member States agreed to temporarily suspend import duties on certain cereals for the 2010/2011 marketing year. This decision, and the decision to release of significant volumes of cereals from EU intervention stocks, were intended to alleviate upward pressure on cereal prices.

In addition my officials are contributing to the work of the EU Commission's Enlarged Advisory Group on Pigmeat, which will have its final meeting in April with a discussion on market measures, before reaching conclusions. Ireland was among the Member States that called for the establishment of this Group.

I am convinced that the pigmeat sector in Ireland has a very positive future. Increasing global population and the emergence of new markets in the Far East and elsewhere will result in a steady increase in the demand for pigmeat worldwide in the period to 2020. The key challenge for the sector in Ireland is to position itself to take advantage of this opportunity.

For my part, I can assure the Deputy that at EU level I will continue to highlight the difficulties being experienced in the pig sector at present, and to seek the deployment of appropriate market supports as required, and that domestically, it is my firm intention to ensure that all of the stakeholders in this very important sector act in a collaborative way to implement the recommendations of the Food Harvest 2020 Report in order to secure the long term viability of the sector.

Grant Payments

253. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their payment for REP scheme 4; and if he will make a statement on the matter. [5189/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Having completed REPS 3, the person named began REPS 4 in January 2010. An issue has arisen in relation to the area claimed by the person named under in the REPS 4 application. The file is currently under examination and my officials will be in contact with the person named when this examination is complete.

254. **Deputy John McGuinness** asked the Minister for Agriculture, Fisheries and Food if REP scheme payments will be paid in respect of a person (details supplied) in County Kilkenny [5212/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named commenced in REPS 4 on 1 June 2009 and has received payment for 2009. The 2010 REPS 4

application is being examined, following an issue arising from a cross-check with Single Payment application of the person named.

255. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the number of the 2,897 farmers in County Mayo currently in REP scheme four that have received their full payment; and if he will make a statement on the matter. [5222/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): To date, 1,808 REPS 4 farmers in County Mayo have received their full 2010 payment. A further 29 have received 75% of their payment. Processing of REPS 4 files continues and payments are being made on an ongoing basis.

Ministerial Staff

256. **Deputy Michael McGrath** asked the Minister for Agriculture, Fisheries and Food the arrangements he has put in place for constituency offices within his Department. [5226/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The Government has established new guidelines on staffing of Ministerial offices, including a Minister's Constituency Office. These guidelines provide that the number of staff in a Minister's Constituency offices may not exceed four. In the case of a Minister of State's constituency offices the number of staff may not exceed three.

I will finalise my Constituency Office arrangements in the very near future in accordance with the guidelines.

Ministerial Responsibilities

257. **Deputy Billy Kelleher** asked the Minister for Agriculture, Fisheries and Food the specific powers he intends to delegate to Ministers of State in his Department. [5245/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Preparations are being made to delegate responsibilities for food, food safety, horticulture, the thoroughbred horse racing and breeding industry and the greyhound industry to Minister of State McEntee.

The legal instrument giving effect to these delegated functions will be published in due course.

Grant Payments

258. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food when a decision will issue on an appeal in respect of a person (details supplied) in County Mayo; and if he will make a statement on the matter. [5261/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): An application under the 2010 Disadvantaged Areas Scheme was received from the person named on 14 May 2010.

The Terms and Conditions governing the Scheme require, inter alia, that applicants maintain a minimum stocking density on their holding of 0.15 livestock units per forage hectare declared, for at least three consecutive months, during the calendar year of application. However, where the holding of an applicant is identified as not meeting this minimum requirement, the person in question is invited to submit evidence of satisfactory stocking i.e. Flock Register, Horse Passports or details of a REPS or Commonage Framework Plan, which provides for a lower stocking level. The person named submitted his flock register to my Department and following further examination, it was revealed that the person named did not maintain the minimum

[Deputy Simon Coveney.]

stocking density for the required three consecutive month period and, therefore, does not qualify for payment under the Disadvantaged Areas Scheme.

259. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food when REP scheme payment will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [5269/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named commenced in REPS 4 on 1 May 2008 and payments have issued for year 1 and year 2. His 2010 REPS 4 application is currently under examination following the submission of an adjusted plan.

Fertilizer Prices

260. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food in view of the increasing price of fertilizer the possibility he sees for the re-establishment of a fertilizer manufacturing industry here; and if he will make a statement on the matter. [5280/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): In 2002, Irish Fertiliser Industries ceased manufacturing inorganic fertiliser in Ireland as it was no longer considered to be a financially viable industry.

All inorganic fertiliser used is now imported and blended in Ireland.

The main raw materials required to produce fertilisers are natural gas for the manufacture of ammonia, rock phosphate for the production of phosphate fertilisers, and potash.

In comparison to the major fertiliser producing regions, Ireland would be at a significant cost disadvantage regarding fertiliser production.

Milk Quota

261. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the initiative he proposes regarding the looming financial crisis in the dairy sector for farmers who are over quota for the milk year; the contacts which he has initiated at European level on this matter; and if he will make a statement on the matter. [5281/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): At the outset I want to emphasise that of course the primary responsibility for producing within quota and ensuring the avoidance of super levy rests with every individual milk producer. It is up to dairy farmers, who are familiar with the rules of the quota regime, to make the right decisions and protect themselves from exposure to potentially very damaging fines. The rules are very clear, and were confirmed as recently as last December by the European Commission.

Having said that, I want to see a soft landing for farmers in Ireland and in other Member States. My officials have raised the matter with the commission on a number of occasions in recent months, and I used the opportunity provided by my attendance at the Council of Agriculture Ministers last week to ask the Commission to consider whether a more flexible approach might be adopted for the limited number of Member States, including Ireland, likely to have a super levy problem in the run up to 2015. I also raised the matter in a bilateral meeting I had with Commissioner Ciolos prior to the Council meeting. I intend to continue to raise the issue with Member State colleagues and with the Commission. However, the Commission has resisted attempts to revisit this issue, and there is, in any event, no guarantee that a majority of Member States will support calls for a more flexible milk quota regime. Therefore

Irish dairy farmers must continue to operate on the assumption that no further changes will be made to the quota arrangements agreed in the context of the CAP Health Check.

262. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food if in view of the changing profile of dairy farmers he will reconsider the definition of category A and category B milk suppliers which govern entitlement to flexi-milk; and if he will make a statement on the matter. [5282/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): All aspects of the milk quota regime are subject to ongoing review by my Department, in consultation with the relevant stakeholders. In the coming weeks a number of matters will be discussed with the Milk Quota Review Group, and while discussion will focus in particular on the outcome of this year's Milk Quota Trading Scheme, the operation of flexi-milk and other schemes will also form part of those discussions.

Grant Payments

263. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Mayo will receive their REP scheme 4 payment; and if he will make a statement on the matter. [5283/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named commenced REPS 4 on 1 February 2008. He received his first year's payment in 2009 and his second early in 2010. His REPS 4 2010 payment will issue within two weeks.

264. **Deputy John Deasy** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Waterford who received payment under the suckler welfare scheme in 2008 has not received any payment for 2009 or 2010; if he will have the matter examined; and if he will make a statement on the matter. [5365/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named registered 16 animals for 2009 and 12 animals for 2010 under the Suckler Welfare Scheme. Under the Terms and Conditions of the Scheme, a gradual weaning procedure must be followed for herd of more than 10 suckler cows. Calves must be weaned in at least two separate groups with each group being removed with a minimum interval of five days between the removal of the first group and the last group.

The person named weaned all his 2009 born animals on 10 November 2009 and all his 2010 born animals on 20 September 2010. As this practice contravened the requirements of both the 2009 and 2010 Schemes, payment could not be made to the applicant. The person named was written to by my Department advising him of the decision and informing him of his right to seek a review of this decision.

265. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive their singe farm payment; and if he will make a statement on the matter. [5429/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): An application under the Single Payment Scheme/Disadvantaged Area Scheme was received from the person named on 13 May 2010. This application was selected for a Ground Eligibility and Full Cross Compliance inspection.

[Deputy Simon Coveney.]

During the ground inspection discrepancies were found in relation to parcels H15505001, H15505040, H15505021, H15505041 and H15505064 in that these parcels were not being farmed or managed by the person named. The claimed area for the Single Payment Scheme of 21.34ha was reduced to 6.54ha. As there is an over declaration of over 50%, no payment will be made under the Single Payment Scheme for 2010 and an administrative fine equivalent to the amount of aid payable on the difference between the area declared and the area found will be deducted from any payment due in the subsequent three years.

Under the Disadvantaged Areas Scheme 21.13ha was claimed, of which 14.85ha was Mountain Disadvantaged Area and 6.28ha was Less Severely Disadvantaged Area. At inspection, no eligible area was found for Mountain Disadvantaged Area and 6.54ha was found for Less Severely Disadvantaged and 6.28ha was put forward for payment.

The person named was informed of these findings on the 17 January 2011 and of his right to seek a review of this decision within 21 days and of his right to appeal the outcome of any such review to the Independent Agriculture Appeals Office.

To date no review has been sought.

266. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive payment under the farm waste management scheme; and if he will make a statement on the matter. [5432/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named has received two instalments of grant-aid under the Farm Waste Management Scheme. However, a decision on payment of the final instalment of 20% due under the Scheme has been deferred pending the completion of an investigation into the status of part of the supporting documentation submitted with the payment claim concerned. No decision will be taken in relation to payment/recoupment of the grant concerned until this investigation is completed.

Departmental Offices

267. **Deputy Seán Conlan** asked the Minister for Agriculture, Fisheries and Food when the decision was made to close his Department's DVO office in Ballybay, County Monaghan; if he will now examine and review this decision; and if he will make a statement on the matter. [5444/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The Local Office Reorganisation Plan was announced by Government on 15 July 2009. Under the plan 58 local offices are to be reduced in number to 16 enhanced regional offices to improve delivery of my Department's services by widening services to include District Veterinary, Forestry and Agricultural Environment and Structures support services at all regional offices, thereby concentrating resources and professional expertise with greater effect and more efficiently.

Since this announcement of the plan on 15 July 2009 my Department has been implementing the rationalisation in a phased basis. The final phase, phase 4 of 4, which includes the DVO based at Ballybay, is to be implemented within the next two months which will see the closure of the public offices in Ballybay. However the Ballybay office will remain in operation dealing with non DVO related business.

Departmental Schemes

268. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food the process used by him for the distribution of cheese to voluntary organisations and persons; the

safeguards in place to ensure that the scheme is not abused; and if he will make a statement on the matter. [4946/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): I consider the Charity Scheme, which is funded by the European Commission, to be an important means of contributing towards the well-being of the poorer citizens of the community. The procedures for implementing the scheme in each member state are set out in Commission Regulation (EU) No. 807/2010.

In Ireland the product is made available to charitable organisations for distribution to those in need. A declaration signed by a Garda, a Peace Commissioner or a Member of the clergy, must be made by each charity confirming their charitable status and their intended use of the product. Charities make an application to my Department for their required amount of product and their preferred location for collection and my officials make a decision based on the application received.

Records are kept by the charities of the use and distribution of the product which are subject to an annual risk based audit by officials of my Department. The latest tranche of product made up of 110 tonnes of Cheddar Cheese is now available for distribution to charities from cold stores located in Cork, Waterford, Dublin, Portlaoise and Sligo.

Semi-State Bodies

269. **Deputy Martin Ferris** asked the Minister for Agriculture, Fisheries and Food if the proposed merger of Coillte and Bord na Móna in a new biotechnology company will entail either company selling any of the land currently under its control; and if he will make a statement on the matter. [5003/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The merger of Coillte and Bord na Móna forms part of the Programme for Government and will be a matter for consideration by the Government.

In addition, Coillte and Bord na Móna are among 28 commercial state bodies that are currently being reviewed by a Review Group on State Assets and Liabilities chaired by Mr. Colm McCarthy. No decisions have been taken by the Government about these companies.

Grant Payments

270. **Deputy Michael Creed** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Cork will receive payment in respect of their REP scheme 4 application; and if he will make a statement on the matter. [5007/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The above named began REPS 4 in June 2009 and received his first year payment in April 2010. Following an inspection relating to his second year payment the file is currently under examination. My officials have contacted the person named and are awaiting a reply.

Care of the Elderly

271. **Deputy Niall Collins** asked the Minister for Health and Children the mechanism that will be put in place to coordinate policy in relation to older persons. [5208/11]

Minister for Health and Children (Deputy James Reilly): I would like to reassure the Deputy that policy in relation to older persons is a priority for the Government. As positive, active, healthy ageing must not be considered to be solely a health issue, it is a matter for every

[Deputy James Reilly.]

Minister to consider the wide range of issues which directly impact on the lives of older people and on the ageing process. While policy in relation to the health services is a matter for me as Minister, I would also like to remind the Deputy that I intend to complete the National Positive Ageing Strategy which will establish the strategic framework for future policies, programmes and services for older people in Ireland. It is envisaged that the National Positive Ageing Strategy will set out a common framework for the development of operational plans by Government Departments clearly setting out their objectives relating to older people, as well as the development of ongoing mechanisms designed to monitor progress and identify challenges facing older people in the future.

Health Services

272. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when speech and language therapy will be offered to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [4866/11]

Minister for Health and Children (Deputy James Reilly): As the Deputy's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Medical Cards

273. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card will issue in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [4867/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services

274. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when ongoing six weeks on, six weeks off, speech and language therapy will be offered to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [4868/11]

Minister for Health and Children (Deputy James Reilly): As the Deputy's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

275. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when orthodontic treatment will be offered to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [4869/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the HSE for direct reply.

Medical Cards

276. **Deputy Bernard J. Durkan** asked the Minister for Health and Children the position regarding an application for a medical card in respect of a person (details supplied) in Dublin 2; and if he will make a statement on the matter. [4870/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services

277. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if a person (details supplied) in County Kildare will be referred for orthodontic treatment; and if he will make a statement on the matter. [4871/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the HSE for direct reply.

Hospital Services

278. **Deputy Pearse Doherty** asked the Minister for Health and Children his plans to restore breast cancer services to Sligo General Hospital; and if he will make a statement on the matter. [4873/11]

Minister for Health and Children (Deputy James Reilly): I am committed to putting quality at the heart of our healthcare system and to ensuring that quality and optimal care are paramount in decisions about the provision of services throughout the health system. I will shortly meet Dr Susan O'Reilly, Director of the National Cancer Control Programme, to discuss a range of strategic issues in relation to cancer services, including the provision of breast cancer services at Sligo General Hospital.

Medical Cards

279. **Deputy John McGuinness** asked the Minister for Health and Children if a medical card will be approved and issued in respect of a person (details supplied) in County Kilkenny. [4875/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services

280. **Deputy John McGuinness** asked the Minister for Health and Children if an early appointment will be arranged in respect of a person (details supplied) in County Kilkenny and if he will expedite the matter. [4876/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply.

Medical Cards

281. **Deputy John McGuinness** asked the Minister for Health and Children if a medical card will be issued immediately in respect of persons (details supplied) in County Kilkenny. [4877/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

282. **Deputy John McGuinness** asked the Minister for Health and Children if a medical card will be granted in respect of a person (details supplied) in County Kilkenny and if the matter will be expedited. [4878/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Medical Aids and Appliances

283. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when custom shoes will be provided in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [4879/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Hospital Charges

284. **Deputy John McGuinness** asked the Minister for Health and Children if he will expedite a response to the review of inpatient charges in the case of a person (details supplied) in County Carlow, and ensure the arrangements that are in place continue; and if he will specify a timeframe for the decision. [4880/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Medical Cards

285. **Deputy John McGuinness** asked the Minister for Health and Children if a medical card will be approved on appeal for a person (details supplied) in County Kilkenny; the reason care was granted and then withdrawn after a short period; and if he will expedite a response. [4881/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

286. **Deputy John McGuinness** asked the Minister for Health and Children if a full medical card will issue to a person (details supplied) in County Kilkenny; and if a response will be expedited. [4882/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

287. **Deputy John McGuinness** asked the Minister for Health and Children if a full medical card will issue to a person (details supplied) in County Kilkenny; the reason the card was not issued on renewal in view of the fact that their case for the card was already established when the original card was issued; if their spouse will also be included on the card in view of the fact that they too have medical problems; and if she will expedite the matter. [4883/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Hospital Services

288. **Deputy John McGuinness** asked the Minister for Health and Children if an operation will be arranged as a matter of urgency in respect of a person (details supplied) in County Carlow; and if he will expedite the matter. [4884/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply.

Medical Cards

289. **Deputy John McGuinness** asked the Minister for Health and Children if a medical card will issue to a person (details supplied) in County Kilkenny; and if he will expedite the matter. [4885/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

290. **Deputy John McGuinness** asked the Minister for Health and Children if a full medical card will be issued on appeal to a person (details supplied) in County Kilkenny; and if he will expedite the matter. [4886/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

291. **Deputy John McGuinness** asked the Minister for Health and Children if a full medical card will be issued in respect of a person (details supplied) in County Kilkenny; and if the matter will be expedited. [4887/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

292. **Deputy John McGuinness** asked the Minister for Health and Children if he will review an application for a medical card which was refused in respect of a person (details supplied) in County Kilkenny with a view to granting the card immediately. [4888/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

293. **Deputy John McGuinness** asked the Minister for Health and Children if a medical card will be issued as a matter of urgency in respect of a person (details supplied) in County Carlow; and if the matter will be expedited. [4889/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

294. **Deputy John McGuinness** asked the Minister for Health and Children if a medical card will be issued immediately on appeal to a person (details supplied) in County Kilkenny. [4890/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services

295. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when dental services will be offered to persons (details supplied) in County Kildare; and if he will make a statement on the matter. [4891/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the HSE for direct reply.

Health Service Allowances

296. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when mobility allowance will be granted to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [4892/11]

Minister for Health and Children (Deputy James Reilly): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Medical Cards

297. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a medical card application will be reviewed in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [4893/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services

298. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when long-term care will be offered to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [4894/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Home Help Service

299. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if an increase in home help hours will be organised in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [4895/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Health Services

300. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if an earlier appointment will be offered to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [4897/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply.

Hospital Services

301. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if an earlier hospital appointment will be offered to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [4898/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply.

Health Services

302. **Deputy Bernard J. Durkan** asked the Minister for Health and Children if an earlier appointment will be offered to a person (details supplied) in County Kildare; and if he will make a statement on the matter. [4899/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply.

Hospital Accommodation

303. **Deputy Bernard J. Durkan** asked the Minister for Health and Children when a hospital bed will be arranged in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [4900/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply.

Child Care Services

304. **Deputy Olivia Mitchell** asked the Minister for Health and Children if he will ensure that the seven school leavers from a school (details supplied) in County Dublin will in fact have a day service available to them next September; and if he will make a statement on the matter. [4945/11]

Minister for Health and Children (Deputy James Reilly): As this matter relates to service matters, I have arranged for the question to be referred to the Health Service Executive for direct reply.

Prescription Charges

305. **Deputy Niall Collins** asked the Minister for Health and Children if a person (details supplied) who has a long-term illness card must pay the 50 cent charge on prescription items. [4994/11]

Minister for Health and Children (Deputy James Reilly): Medical card holders are required to pay a 50c charge for medicines and other prescription items supplied to them by community pharmacists, subject to a cap of €10 per month for each person or family. Charges are not payable in respect of items supplied under the Long Term Illness Scheme.

It is my intention, subject to Government approval, to introduce legislation to abolish prescription charges for medical card holders.

Medical Cards

306. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the position regarding a medical card application in respect of a person (details supplied) in County Monaghan; if he will ensure that this application is processed as quickly as possible; and if he will make a statement on the matter. [5068/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services

307. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the position regarding the motorised transport grant application in respect of a person (details supplied) in County Monaghan; if he will ensure that this application is processed as quickly as possible; and if he will make a statement on the matter. [5069/11]

Minister for Health and Children (Deputy James Reilly): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

308. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding treatment in respect of a person (details supplied). [5103/11]

Minister for Health and Children (Deputy James Reilly): I have no role to play in the day to day operations of the VHI or any private health insurance company, including decisions in respect of treatment abroad.

If the individual in question is not satisfied with the decisions made in this case, they may contact the Health Insurance Authority (www.hia.ie — Canal House, Canal Road, Dublin 6, Lo-Call 1850 929 166).

Medical Cards

309. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a medical card appeal in respect of a person (details supplied) in Dublin 9. [5118/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services

310. **Deputy Finian McGrath** asked the Minister for Health and Children if he will provide adequate resources in respect of an organisation (details supplied) in Dublin 5. [5119/11]

Minister for Health and Children (Deputy James Reilly): I have responsibility for the implementation of the National Childcare Investment Programme 2006-2010 (NCIP) which included a capital grant programme to develop childcare facilities. I also have responsibility for implementing the free Pre-School Year in Early Childhood Care and Education (ECCE) programme, which provides capitation funding to pre-school services providers participating in the free pre-school scheme.

The organisation in question was successful in its application for capital funding under the NCIP and funding amounting to €960,000 has been approved to assist the organisation in developing a childcare facility. I understand that more than €300,000 of this funding has been drawn down to date. The organisation in question is participating in the ECCE programme, which was introduced in January 2010. I understand that capitation funding amounting to €42,525 has been paid to the organisation to date in respect of the pre-school year which commenced in September 2010. A further payment in respect of the final term of this pre-school year is due to be paid to the organisation shortly.

Hospital Services

311. **Deputy Sean Fleming** asked the Minister for Health and Children when a scan will be

scheduled in respect of a person (details supplied) in County Laois; and if he will make a statement on the matter. [5120/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply.

Health Services

312. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding support for a family (details supplied) in County Dublin. [5121/11]

Minister for Health and Children (Deputy James Reilly): As the Deputy's question relates to service matters I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Home Help Service

313. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding home support in respect of a person (details supplied) in Dublin 5. [5122/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Health Services

314. **Deputy Pat Breen** asked the Minister for Health and Children, further to Parliamentary Question No. 356 of 12 January 2011, the reason hours have been reduced in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [5123/11]

Minister for Health and Children (Deputy James Reilly): I understand that the Health Service Executive responded to the Deputy's previous question in a reply dated 22 February 2011. My Department has asked the HSE to update the Deputy in relation to the child referred to in his question.

315. **Deputy Finian McGrath** asked the Minister for Health and Children if he will support the case of a person (details supplied) in Dublin 9. [5125/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply.

Mental Health Services

316. **Deputy Finian McGrath** asked the Minister for Health and Children if he will make mental health a priority in 2011. [5126/11]

Minister for Health and Children (Deputy James Reilly): The Government for National Recovery has prioritised the reform of the mental health service in line with '*A Vision for Change*'.

Home Help Service

317. **Deputy Finian McGrath** asked the Minister for Health and Children if he will support the case of persons (details supplied) in Dublin 5. [5127/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Health Service Allowances

318. **Deputy Noel Coonan** asked the Minister for Health and Children the position regarding a back to school clothing and footwear payment in respect of a person (details supplied) in County Tipperary; when payment will issue; the reason for the delay in issuing same; and if he will make a statement on the matter. [5128/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

Medical Cards

319. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a medical card in respect of a person (details supplied). [5136/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Prescription Charges

320. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding prescription charges in respect of a person (details supplied) in Dublin 5. [5138/11]

Minister for Health and Children (Deputy James Reilly): Medical card holders are required to pay a 50c charge for medicines and other prescription items supplied to them by community pharmacists, subject to a cap of €10 per month for each person or family. It is my intention, subject to Government approval, to introduce legislation to abolish prescription charges for medical card holders.

Health Services

321. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding funding in respect of a person (details supplied) in Dublin 5. [5139/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter the question has been referred to the HSE for direct reply.

Medical Cards

322. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding a medical card appeal in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [5145/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

National Lottery Funding

323. **Deputy John McGuinness** asked the Minister for Health and Children if he will expedite consideration of an application for funding in respect of an organisation (details supplied) in County Waterford. [5156/11]

Minister for Health and Children (Deputy James Reilly): My Department has received an application for funding from the 2011 National Lottery allocation from the organisation in question. This is one of a large number currently being assessed by my Department, and the Deputy will be informed of the outcome of the application as soon as a decision has been made.

Hospitals Building Programme

324. **Deputy Finian McGrath** asked the Minister for Health and Children if he will support the proposed dedicated 34-bed cystic fibrosis unit at St. Vincent's Hospital, Dublin. [5190/11]

Minister for Health and Children (Deputy James Reilly): A new ward block to replace existing accommodation is being developed at St Vincent's University Hospital and this will provide single room en-suite inpatient accommodation and a dedicated day unit for people with CF, including 12 single day treatment rooms with en-suite sanitary facilities.

I am wholly committed to the completion of this project, and together with St Vincent's University Hospital and the HSE, we are taking every possible step in order to ensure earliest possible delivery of the new ward block.

This new building will provide 100 new inpatient beds in total. It will accommodate the needs of patients with cystic fibrosis and many other patients whose medical requirements necessitate single en suite facilities. This reflects best practice in terms of infection control.

Completion for service delivery is expected in early 2012. The project is on track and within budget.

There are currently 63 beds at St. Vincent's Hospital used for respiratory/cystic fibrosis services. The physical infrastructure has been significantly enhanced through the refurbishment in 2008 of accommodation to provide eight single en suite rooms for the exclusive use of people with cystic fibrosis.

The hospital's management works closely with the cystic fibrosis clinicians to ensure that the needs of cystic fibrosis patients requiring inpatient treatment are met within the overall bed complement at the hospital. The hospital currently treats over 50% of the CF adult population.

The HSE is now working with St. Vincent's to identify opportunities for patients who do not require tertiary level care to be treated close to home where adult services have been developed in the other specialist centres.

Medical Cards

325. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a medical card in respect of a person (details supplied) in Dublin 3. [5191/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

326. **Deputy Finian McGrath** asked the Minister for Health and Children the reason persons in receipt of medical cards are not allowed to move to another doctor (details supplied). [5192/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services

327. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding the delivery of dental care at a health centre (details supplied) in County Kildare; and if he will make a statement on the matter. [5195/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the HSE for direct reply.

Hospital Services

328. **Deputy John McGuinness** asked the Minister for Health and Children if an early appointment will be arranged in respect of a person (details supplied) in County Waterford. [5213/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply.

329. **Deputy Martin Ferris** asked the Minister for Health and Children when a person (details supplied) in County Kerry may expect to have a scan carried out at Kerry General Hospital; and if he will make a statement on the matter. [5225/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply.

Ministerial Staff

330. **Deputy Michael McGrath** asked the Minister for Health and Children the arrangements he has put in place for constituency offices within his Department. [5235/11]

Minister for Health and Children (Deputy James Reilly): As yet I have not made any such arrangements, but will do so in the near future. All arrangements made will fully comply with recent decisions of the Government to reduce the overall staffing levels of both Private and Constituency Offices for both Ministers and Ministers of State.

Departmental Functions

331. **Deputy Seán Ó Fearghail** asked the Minister for Health and Children the details of all administrative responsibilities which will be solely under the direction of the Minister for Children. [5243/11]

342. **Deputy Michael McGrath** asked the Minister for Health and Children the instructions he has given concerning the formal establishment of his Department and the time scales likely to be involved. [5381/11]

Minister for Health and Children (Deputy James Reilly): I propose to take Questions Nos. 331 and 342 together.

Transfers of Departmental functions are carried out by Government Order under powers contained in section 6(1) of the Ministers and Secretaries (Amendment) Act 1939, while in some cases primary legislation may be needed. My officials, in co-operation with officials who will be assigned to the new Department of Children, are fully engaged in this task at present.

Relevant instruments will need to be finalised and settled in the Office of Parliamentary Counsel before they can be brought to Government and until all the relevant details are worked out, it is not possible to provide full details of the responsibilities and functions that will be allocated to the new Department.

Ministerial Responsibilities

332. **Deputy Billy Kelleher** asked the Minister for Health and Children the specific powers he intends to delegate to Ministers of State in his Department. [5254/11]

Minister for Health and Children (Deputy James Reilly): Ministers of State have been appointed at my Department as follows:

- Ms Roisin Shortall, T.D. has responsibility for Primary Care, and
- Ms Kathleen Lynch, T.D. has responsibility for Disability, Equality and Mental Health (her remit is shared between my Department and the Department of Justice, Equality and Defence).

The precise details of the functions that will be encompassed by the above assignments have not yet been finalised but this is being addressed as a priority and the position will be clarified as soon as possible.

Services for People with Disabilities

333. **Deputy Finian McGrath** asked the Minister for Health and Children if he will support the case of a group (details supplied) which is seeking therapy services for persons with special needs. [5267/11]

Minister for Health and Children (Deputy James Reilly): As the Deputy's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Health Services

334. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a care plan in respect of a person (details supplied) in Dublin 3. [5270/11]

Minister for Health and Children (Deputy James Reilly): As the Deputy's question relates to a service matter, I have arranged for the question to be referred to the Health Service Executive for a direct reply to the Deputy.

Preschool Services

335. **Deputy Michael Creed** asked the Minister for Health and Children if he will consider granting greater flexibility to parents and preschool operators with regard to the age criteria at which children are eligible for the free preschool year; the consultations, if any, which he has had with parents or the representatives of preschool operators on this matter; and if he will make a statement on the matter. [5279/11]

Minister for Health and Children (Deputy James Reilly): The free Pre-School Year in Early Childhood Care and Education (ECCE) scheme, which was introduced in January 2010, provides for a free pre-school year to eligible children in the year before they commence primary school.

Approximately 4,300 pre-school services, 95% of those operating in the State, are participating in the ECCE scheme and 63,000 children, or 94% of the eligible cohort, are availing of the pre-school year. Children qualify for the free pre-school year where they are aged more than 3 years 2 months and less than 4 years 7 months in September of the relevant year. This means that children born between 2 February 2006 and 30 June 2007 were eligible for the free pre-school year which commenced in September 2010 and children born between 2 February 2007 and 30 June 2008 will be eligible in September 2011. There is no provision under the scheme to enrol children who are below the qualifying age.

The scheme includes a number of provisions to take account of children with special needs. These include an exemption from the upper age limit for qualification under the scheme where a child is developmentally delayed and would benefit from starting primary school at a later age. In addition, children with special needs can apply to have the pre-school year split over

[Deputy James Reilly.]

two years on a pro-rata basis, for example availing of the scheme for 2 days a week in the first year and for 3 days a week in the second year.

The objective of the ECCE scheme is to make early learning in a formal setting available to all children in the year before they commence primary school. Services participating in the pre-school year are expected to provide appropriate age related activities and programmes to children within a particular age cohort. It is necessary, therefore, to target the pre-school year at a particular age cohort and to set minimum and maximum limits to the age range within which children participate in the scheme. In setting the minimum and maximum age limits, account was taken of a number of factors, including the variation in school admission policies and the fact that the majority of children commence primary school between the ages of 4 years 6 months and 5 years 6 months.

Medical Cards

336. **Deputy John McGuinness** asked the Minister for Health and Children if a medical card will be issued immediately in respect of a person (details supplied) in County Kilkenny; and if he will expedite the matter. [5301/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Nursing Homes Support Scheme

337. **Deputy Pat Breen** asked the Minister for Health and Children further to Parliamentary Question No. 220 of 18 January 2011, the position regarding an application in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [5302/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has again been referred to the Health Service Executive for direct reply.

Medical Cards

338. **Deputy Jack Wall** asked the Minister for Health and Children when a person (details supplied) in County Kildare will receive their valid medical cards; and if he will make a statement on the matter. [5325/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Services for People with Disabilities

339. **Deputy Billy Timmins** asked the Minister for Health and Children the position regarding concerns of mothers of autistic children (details supplied); and if he will make a statement on the matter. [5366/11]

Minister for Health and Children (Deputy James Reilly): As the Deputy's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

Health Insurance

340. **Deputy Michael P. Kitt** asked the Minister for Health and Children the time scale he

envisages for action on risk equalisation in the current health insurance market; and if he will make a statement on the matter. [5375/11]

Minister for Health and Children (Deputy James Reilly): The Government is committed to protecting a community rated private health insurance market through a range of measures including risk equalisation. A system of risk equalisation is particularly necessary in the Irish market because, for historical reasons, one of the insurers, VHI, has a greatly disproportionate share of older customers. VHI has a 64% share of the private health insurance market but an 82% share of the over 60 years age group and a 92% share of the over 80 years age group.

A risk equalisation scheme was put in place by legislation but following a challenge by BUPA, the scheme was struck down by the Supreme Court in July 2008. In response, a temporary scheme of tax relief/community rating levy was introduced in January 2009. This provides a significant degree of support for the cost of health insurance claims by older people. It allows insurers, with additional costs arising from insuring older people, to be compensated for up to, but no more than, 65% of a proportion of these additional costs. The scheme is designed to be Exchequer neutral and by the end of 2011 it is estimated that some €159m will have been transferred to the VHI in respect of its higher risks. This is a key action to help protect community rating pending the introduction of a full risk equalisation scheme.

The Government is preparing to put in place a risk equalisation scheme that will equalise risk as far as possible, including in relation to the key risk factors of age, health status and gender. The scheme will be designed to be legally robust and to be fully in accordance with the requirements of both Irish and European law. It will replace the existing temporary scheme and will be put in place as soon as possible.

Departmental Staff

341. **Deputy Michael McGrath** asked the Minister for Health and Children who is the Accounting Officer of his Department. [5380/11]

Minister for Health and Children (Deputy James Reilly): The Secretary General, Mr Michael Scanlan, is the Accounting Officer for the Department of Health and Children.

Question No. 342 answered with Question No. 331.

Medicinal Products

343. **Deputy Olivia Mitchell** asked the Minister for Health and Children if the drug Herceptin is available to cancer patients on a needs basis or if there is a finite budget for same; and if he will make a statement on the matter. [5382/11]

Minister for Health and Children (Deputy James Reilly): I have asked the Health Service Executive to confirm the position to me and will revert to the Deputy as soon as I receive the information.

Health Services

344. **Deputy Pat Breen** asked the Minister for Health and Children further to Parliamentary Question No 204 of 18 January 2011 the position regarding an application in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [5388/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the HSE for direct reply.

345. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children further to Parliamentary Questions Nos. 161, 162 and 245 of 29 June 2010, when a reply will issue from the Health Service Executive. [5424/11]

Minister for Health and Children (Deputy James Reilly): My Department has been advised by the HSE that a response will be issued to the Deputy on the 23rd of March 2011, and that an email will be sent to the Deputy to advise of this on that date.

346. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children further to Parliamentary Question No. 164 of 29 June 2010, when the outstanding information will issue from the Health Service Executive. [5425/11]

Minister for Health and Children (Deputy James Reilly): My Department has been advised by the HSE that a response was issued to the Deputy on 14th March 2011, and that an email was sent to the Deputy to advise of this on that date.

Departmental Correspondence

347. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children further to Parliamentary Question No 222 of 29 June 2010 and 151 of 3 November 2010, when a reply will issue from the Health Service Executive. [5426/11]

Minister for Health and Children (Deputy James Reilly): My Department has made further enquiries of the HSE regarding a progress report on the matters referred to by the Deputy and a response is still awaited. I will revert to the Deputy on receipt of this report.

Child Care Services

348. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children his plans to fund a missing children's 116000 hotline number. [5434/11]

Minister for Health and Children (Deputy James Reilly): The Office of the Minister for Children has been involved in ongoing discussions with other Government Departments and NGOs in relation to the development of a hotline for missing children. However the issue of the children who go missing is a matter for the Garda Síochána.

Constitutional Amendment on Children

349. **Deputy Michael P. Kitt** asked the Minister for Health and Children his plans to have a constitutional referendum on children's rights in October 2011 with the presidential election; if the office of the Minister for Children and Youth Affairs, the office of the Ombudsman for Children and the post of special rapporteur for child protection will be strengthened; and if he will make a statement on the matter. [5441/11]

Minister for Health and Children (Deputy James Reilly): The Minister for Children and Youth Affairs presented a copy of the third and final report of the Joint Committee on the Constitutional Amendment on Children to Cabinet in March 2010. The Cabinet decided that, in view of the complex nature of the issues involved, all Ministers and Government Departments, as well as the Attorney General, should consider the report and examine the implications of the proposed wording for their individual areas of responsibility. A new wording, which takes into account the proposals put forward by the Committee, and concerns which have arisen, has been drafted by the Attorney General's Office with policy support provided by the Office of the Minister for Children and Youth Affairs.

On January 12th, the Government approved the policy objectives now proposed for the amendment of the Constitution in relation to Children's Rights; the wording for the referendum; the drafting of a referendum bill. It was envisaged that a referendum would be held on the same day as the General Election based on Departmental assumptions of a General Election date of 25th March. However the bringing forward of that date meant that a referendum was not logistically possible.

The Office of the Minister for Children and Youth Affairs is giving consideration to the following tasks in preparation for the holding of a referendum possibly in conjunction with the Presidential Election later this year; drafting of a referendum bill; preparation of a policy paper on the adoption legislation proposals; undertaking research into public awareness and understanding of the issues involved. There are currently no plans to expand on the Offices mentioned by the Deputy.

Health Services

350. **Deputy John McGuinness** asked the Minister for Health and Children the position regarding plans to deliver palliative care services in the south east and in particular the provision of a hospice in Kilkenny city through the assistance of a fund (details supplied); the time line for delivery of same; and if he will make a statement on the matter. [4991/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply.

Medical Cards

351. **Deputy Joe Costello** asked the Minister for Health and Children if he will reconsider his decision to refuse to renew the medical card in respect of a person (details supplied) in Dublin 3; and if he will make a statement on the matter. [5055/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

352. **Deputy Joe Costello** asked the Minister for Health and Children if he will reconsider his decision to refuse to renew the medical card in view of new information provided in their appeal in respect of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [5056/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

Health Services

353. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children the financial supports available to a person (details supplied). [5065/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

354. **Deputy Aengus Ó Snodaigh** asked the Minister for Health and Children his views on a matter (details supplied). [5066/11]

Minister for Health and Children (Deputy James Reilly): As this is a service matter, it has been referred to the HSE for direct reply.

National Car Test

355. **Deputy Brendan Griffin** asked the Minister for Transport if he will review the decision to introduce an annual national car test for vehicles of ten years of age or older; and if he will make a statement on the matter. [5187/11]

Minister for Transport (Deputy Leo Varadkar): My predecessor approved the introduction of an annual national car test for vehicles of ten years of age or over in August 2009. This measure was introduced on foot of road safety concerns. The annual national car test is due to commence on 1st June of this year. I have no plans at this stage to review this matter.

Ministerial Staff

356. **Deputy Michael McGrath** asked the Minister for Transport the arrangements he has put in place for constituency offices within his Department. [5240/11]

Minister for Transport (Deputy Leo Varadkar): The final arrangements for constituency offices in my Department have not yet been completed. Following the decision of the Government on 15 March 2011, there will be no more than four staff in my constituency office and no more than three staff each in the constituency offices of the Ministers of State at my Department, Minister Kelly and Minister Ring.

It should be noted that this marks a considerable reduction from the levels of staffing permitted under the previous government where there were a maximum of six staff in each Minister of Government's office and four in each Minister of State's constituency office. The reduction in staff assigned to Ministers' private and constituency offices is in the order of 25% and sets a good example for Government Departments and Agencies seeking to implement reductions in staff under the Croke Park Agreement and Programme for Government.

Ministerial Responsibilities

357. **Deputy Billy Kelleher** asked the Minister for Transport the specific powers he intends to delegate to Ministers of State in his Department. [5259/11]

Minister for Transport (Deputy Leo Varadkar): At the Government meeting on the 10th of March, Alan Kelly TD was appointed Minister for State at my Department with specific responsibility for Public and Commuter Transport. Michael Ring TD was appointed Minister for State with specific responsibility for Tourism and Sport. Statutory delegation of specific functions will take place over the coming weeks.

Local Authority Services

358. **Deputy Éamon Ó Cuív** asked the Minister for Transport his plans to instruct all local authorities to cease filling in potholes with tar and chips and alternatively to repair damaged roads with macadam type surfaces which are much more durable and which provide much better value for money; and if he will make a statement on the matter. [5287/11]

361. **Deputy Éamon Ó Cuív** asked the Minister for Transport his plans to instruct local authorities to cease the traditional practice of surface dressing with tar and chips on roads that were never surfaced with a macadam surface and replace this with a practice of laying macadam surface first and over-laying this surface with tar and chips; and if he will make a statement on the matter. [5290/11]

Minister for Transport (Deputy Leo Varadkar): I propose to take Questions Nos. 358 and 361 together.

As the Deputy will be aware, the improvement and maintenance of regional and local roads is the statutory responsibility of each local authority, in accordance with the provisions of Section 13 of the Roads Act 1993. Works on those roads are funded from local authorities own resources and are supplemented by State road grants. The initial selection and prioritisation of projects to be funded is also a matter for the local authority.

Local authorities have been provided with a number of best practice documents and are required to follow the guidelines in these documents when carrying out grant aided works on regional and local roads. These best practice documents are available on the Department's website www.transport.ie.

359. **Deputy Éamon Ó Cuív** asked the Minister for Transport if local authorities will be permitted to reprioritise the roads programme this year in view of the damage caused by the severe winter weather to enable work to be carried out on the roads that have suffered most damage this winter; and if he will make a statement on the matter. [5288/11]

360. **Deputy Éamon Ó Cuív** asked the Minister for Transport the criteria that has been laid down that minimum lengths of road have to be resurfaced out of face will be rescinded so that the roads that have suffered most damage in the recent bad weather can be repaired; and if he will make a statement on the matter. [5289/11]

Minister for Transport (Deputy Leo Varadkar): I propose to take Questions Nos. 359 and 360 together.

As the Deputy will be aware, the improvement and maintenance of regional and local roads is the statutory responsibility of each local authority, in accordance with the provisions of Section 13 of the Roads Act 1993. Works on those roads are funded from local authorities own resources and are supplemented by State road grants. The initial selection and prioritisation of projects to be funded is also a matter for the local authority.

Local authorities have been provided with a number of best practice documents and are required to follow the guidelines in these documents when carrying out grant aided works on regional and local roads. These best practice documents are available on the Department's website www.transport.ie.

Question No. 361 answered with Question No. 358.

Rail Network

362. **Deputy Éamon Ó Cuív** asked the Minister for Transport the progress that has been made with the planning of the re-development of the western rail corridor from Athenry to Tuam, County Galway; the funds approved for this work; when this planning work will conclude; when construction will begin on this section of line; and if he will make a statement on the matter. [5293/11]

Minister for Transport (Deputy Leo Varadkar): In November 2010, the National Recovery Plan set out new capital budgets for the Department of Transport in the period 2011-2014. The new allocations mean that it will not now be possible to meet the original timeline for all Transport 21 projects.

Under the plan, there is provision for some initial planning and design for Phase 2 of the Western Rail Corridor but further progress will be dependent on a review of the performance of Phase 1 and a full economic assessment of Phase 2.

In this regard, my Department has received an application for funding from Iarnród Éireann for the detailed design and tender preparation stage for Phase 2, Athenry to Tuam.

[Deputy Leo Varadkar.]

This will be considered in light of revised priorities having regard to the new Programme for Government including, in particular, the proposed new National Development Plan 2012-2019.

Road Network

363. **Deputy Éamon Ó Cuív** asked the Minister for Transport when work is due to commence on the Gort to Tuam motorway project; and if he will make a statement on the matter. [5294/11]

Minister for Transport (Deputy Leo Varadkar): As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. The construction, improvement and maintenance of individual national roads, is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Noting this I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you don't receive a reply within 10 working days.

364. **Deputy Éamon Ó Cuív** asked the Minister for Transport his plans regarding the Galway city bypass; and if he will make a statement on the matter. [5295/11]

Minister for Transport (Deputy Leo Varadkar): As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme element of Transport 21. The construction, improvement and maintenance of individual national roads, is a matter for the National Roads Authority under the Roads Acts 1993 to 2007 in conjunction with the local authorities concerned.

Noting this I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if you don't receive a reply within 10 working days.

Regional Airports

365. **Deputy Éamon Ó Cuív** asked the Minister for Transport when the 2011 OPEX scheme for regional airports will be announced; the airports that will be eligible to apply for assistance under this programme; and if he will make a statement on the matter. [5297/11]

Minister for Transport (Deputy Leo Varadkar): I expect to make an announcement shortly in relation to the 2011 Operational Expenditure (OPEX) Subvention Scheme when I have examined all the issues relating to Exchequer subvention for the Regional Airports in the light of the difficult Exchequer situation.

Ministerial Responsibilities

366. **Deputy Niall Collins** asked the Minister for Community, Equality and Gaeltacht Affairs the Member of Government who will be responsible for coordinating drugs policy. [5207/11]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Frances Fitzgerald): The Office of the Minister for Drugs remains in the Department of Community, Equality and Gaeltacht Affairs, pending a final decision by Government on its relocation.

Family Mediation Service

367. **Deputy John Deasy** asked the Minister for Community, Equality and Gaeltacht Affairs

the reason the family mediation service is no longer available in Waterford City; and if he will make a statement on the matter. [5383/11]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Frances Fitzgerald): I understand from the Family Support Agency that the family mediation service for the Waterford area has been temporarily transferred to the Wexford office, which is located at 32 Key West, Custom House Quay, Wexford.

I am advised that this situation has arisen because of the temporary absence of one of the two members of staff based at the Waterford office and that every effort is being made to find a suitable replacement, which will then allow that office to re-open.

Meanwhile, couples who are seeking a family mediation service should make contact with the Family Mediation Service, Family Support Agency, 4th Floor, St Stephen's Green House, Earlsfort Terrace, Dublin 2 (contact telephone number 01 634 4320), where appropriate arrangements will be made for them to see a family mediator in line with their requirements.

UN Conventions

368. **Deputy Pádraig Mac Lochlainn** asked the Minister for Community, Equality and Gaeltacht Affairs his plans to ratify the convention on the rights of persons with disabilities. [5416/11]

Minister of State at the Department of Community, Equality and Gaeltacht Affairs (Deputy Kathleen Lynch): In line with commitments in the Programme for Government, it is the intention to ratify the UN Convention on the Rights of Persons with Disabilities as quickly as possible, taking into account the need to ensure that all necessary legislative and administrative requirements under the Convention are being met. As the Deputy may be aware, Ireland does not tend to become party to treaties until it is first in a position to comply with the obligations imposed by the treaty in question, including by amending domestic law as necessary.

The ongoing implementation of the National Disability Strategy in many respects comprehends many of the provisions of the Convention. In addition, the Inter-Departmental Committee on the UNCRPD monitors the remaining legislative and administrative actions required to enable the State to ratify the Convention. The Committee has developed a programme on which work is progressing to address the matters that need to be aligned with the UNCRPD.

Ministerial Staff

369. **Deputy Michael McGrath** asked the Minister for Community, Equality and Gaeltacht Affairs the arrangements he has put in place for constituency offices within his Department. [5228/11]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Frances Fitzgerald): As the Deputy will be aware, the Government has agreed revised arrangements in relation to constituency offices for Ministers and Ministers of State.

It is intended that arrangements in respect of my own constituency office, and the constituency office of the Minister of State at my Department, Donnchadh Mac Fhionnlaoich Uasal, T.D., will be made shortly in line with these revised arrangements.

Ministerial Responsibilities

370. **Deputy Billy Kelleher** asked the Minister for Community, Equality and Gaeltacht

[Deputy Billy Kelleher.]

Affairs the specific powers he intends to delegate to Ministers of State in his Department.
[5247/11]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Frances Fitzgerald): As the Deputy will be aware, the Taoiseach announced in Dáil Éireann on 9 March 2011 his intention to establish a Department of Children and I was subsequently appointed the Minister for Children and assigned to the Department of Community, Equality and Gaeltacht Affairs as an interim measure.

I have been advised that primary legislation is required to establish the new Department of Children and the Department of Finance is currently liaising with the Office of the Attorney General in relation to this legislation. As no Minister of State will be assigned to the Department of Children, the issue of delegating powers to such a Minister will not arise.

The Deputy will also be aware that Ms. Kathleen Lynch, TD, Minister of State with responsibility for Disability, Equality and Mental Health and Mr. Dinny McGinley, TD, Minister of State with responsibility for Gaeltacht Affairs, have been assigned to the Department of Community, Equality and Gaeltacht Affairs. I have been advised that draft Orders transferring Disability, Equality, Mental Health and Gaeltacht functions from the Department of Community, Equality and Gaeltacht Affairs to other newly reconfigured Departments, are being prepared and that once these functions have been transferred, it will be a matter for the relevant Minister to delegate the functions, as appropriate, to the respective Ministers of State.

Deontais Ealaíona

371. D'fhiafraigh **Deputy Éamon Ó Cuív** den Aire Gnóthaí Pobail, Comhionannais agus Gaeltachta an bhfuil sé i gceist deontas caipitil a cheadú le hathchóiriú a dhéanamh ar Thaibhdhearc na Gaillimhe agus le cur leis an tsuim airgid atá curtha ar fáil ag Comhairle Cathrach na Gaillimhe agus ag an Taibhdhearc féin; agus an ndéanfaidh sé ráiteas ina thaobh. [5299/11]

Minister of State at the Department of Community, Equality and Gaeltacht Affairs (Deputy Dinny McGinley): Faoi mar is eol don Teachta, cuireadh in iúl do Thaibhdhearc na Gaillimhe anuraidh go raibh mo Roinne sásta i bprionsabal deontas caipitil €300,000 a chur ar fáil le hathchóiriú a dhéanamh ar an dTaibhdhearc. Bhí feidhm le tairiscint mo Roinne go 31 Nollaig 2010 agus bhí an tairiscint ag brath ar choinníollacha áirithe a bheith comhlíonta ag an dTaibhdhearc faoin dáta sin.

Tuigfidh an Teachta go bhfuil an soláthar airgid atá ar fáil le haghaidh tograí caipitil faoi Scéimeanna Tacaíochta Gaeilge mo Roinne an-teoranta i mbliana. É sin ráite, beidh mo Roinne sásta breathnú ar na féidearthachtaí maidir le cúnamh áirithe a chur ar fáil don Taibhdhearc laistigh den soláthar teoranta sin.

Meitheal Forbartha na Gaeltachta

372. D'fhiafraigh **Deputy Éamon Ó Cuív** den Aire Gnóthaí Pobail, Comhionannais agus Gaeltachta cén toradh a bhí ar an iniúchadh a rinne Pobal don Roinn ar chúrsaí Meitheal Forbartha na Gaeltachta, MFG; agus an ndéanfaidh sé ráiteas ina thaobh. [5300/11]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Frances Fitzgerald): Mar is eol don Teachta, chuir Pobal, a dhéanann bainistiú ar an gClár Forbartha Áitiúla agus Pobail thar ceann mo Roinne, tús in Éanáir 2010 le hiniúchadh ar an gcomhlacht atá luaite aige.

Tá an obair sin fós ar siúl agus, go dtí go mbeidh bailchríoch curtha uirthi, níl ar mo chumas aon rud a rá faoin gceist.

Scéim na mBóithre Áise

373. D'fhiafraigh **Deputy Éamon Ó Cuív** den Aire Gnóthaí Pobail, Comhionannais agus Gaeltachta an bhfuil sé i gceist aige Scéim na mBóithre Áise a athoscailt le go bhféadfaí leanacht leis an obair a bhí á déanamh ag an Rialtas deiridh maidir le bóthar ard-chaighdeán a chur ar fáil chuig gach teach sa Ghaeltacht nach bhfuil faoi chúram na Comhairle Contae; agus an ndéanfaidh sé ráiteas ina thaobh. [5385/11]

Minister of State at the Department of Community, Equality and Gaeltacht Affairs (Deputy Dinny McGinley): Mar atá curtha in iúl ag mo réamhtheachtaí agus é ag freagairt ceisteanna sa Teach seo níos túsce i mbliana, rinneadh ciorrú mór ar bhuiséad na Roinne Gnóthaí Pobail, Comhionannais agus Gaeltachta don bhliain 2011.

I gcomhthéacs an chiorraithe sin agus i bhfianaise na ngealltanais atá ar láimh, ní léir dom go mbeidh ar chumas mo Roinne deontais a cheadú i leith bóithre áise sa Ghaeltacht sa ghearrthearma.

Community Development

374. **Deputy Michael Creed** asked the Minister for Community, Equality and Gaeltacht Affairs the financial supports available to a Gaeltacht community that wishes to develop a new playing pitch all weather facility; and if he will make a statement on the matter. [5439/11]

Minister of State at the Department of Community, Equality and Gaeltacht Affairs (Deputy Dinny McGinley): While a project of the nature referred to by the Deputy might qualify for funding under the scheme administered by my Department aimed at improving particular community facilities in Gaeltacht areas, the provision of any such funding would depend on a number of factors, including cost and the anticipated benefit to the Irish language, particularly in the context of the *20-Year Strategy for the Irish Language 2010-2030*. It should be noted, however, that the funding allocation available to support such projects is limited and that the scheme is currently oversubscribed. I have arranged to have further information regarding the scheme forwarded directly to the Deputy.

It may also be the case that the project in question could qualify for funding under the LEADER programme and the Gaeltacht community in question should therefore consider contacting Meitheal Forbartha na Gaeltachta (MFG Teo) in this regard.

Policy on Volunteering

375. **Deputy Michael P. Kitt** asked the Minister for Community, Equality and Gaeltacht Affairs if a national policy on volunteering will be provided; and if he will make a statement on the matter. [5440/11]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Frances Fitzgerald): My Department funds a network of twenty two Volunteer Centres nationally. It also funds Volunteer Centres Ireland (VCI) and Volunteering Ireland (VI), the umbrella bodies responsible for developing best practice within the network.

VCI and its member centres encourage all community and voluntary organisations that work with volunteers to have in place a suitable volunteer policy. The development of a volunteer policy is an integral part of the management training currently provided by Volunteer Centres to organisations engaging volunteers.

[Deputy Frances Fitzgerald.]

There are a number of charters on volunteering available within the community and voluntary sector. One such charter is the “Charter for Effective Volunteering” developed by VI and is widely used within the sector. It is important that each individual community and voluntary organisation adapts a charter to suit the particular needs of its organisation and its overall context.

2011 has been designated the European Year of Volunteering (EYV2011). One of the key objectives of the year is to work towards an enabling environment for volunteering, which includes the development of a National Policy on Volunteering. The Irish national steering group for EYV2011, on which my Department is represented, is working with VI, as the National Coordinating Body for the Year, to bring forward the development of a National Policy on Volunteering in line with initiatives taken in this area by the European Commission.

Ministerial Responsibilities

376. **Deputy Willie O’Dea** asked the Minister for Defence the arrangements he will put in place to ensure his active engagement with the management of the Department of Defence; where his private office will be located and whether he will ensure that he spends a reasonable period of time in the headquarters of the Department of Defence [5211/11]

Minister for Defence (Deputy Alan Shatter): I have been appointed by the Taoiseach as both the Minister for Justice and Equality and as the Minister for Defence. As a Minister with two separate portfolios, I intend retaining a private office in the Department of Justice & Equality in Dublin and a separate private office in the Department of Defence headquarters in Newbridge, Co Kildare. The Deputy can be assured that I will fully engage with both of my portfolios. I had met with the majority of the staff in Newbridge within 48 hours of my appointment and I have put in place arrangements to meet regularly with officials and to attend at the Department. The Deputy might also be interested to know that I attended a Cadet Commissioning Ceremony in the Curragh on the first day following my appointment and met with the Chief of Staff and other senior military officers.

Ministerial Staff

377. **Deputy Michael McGrath** asked the Minister for Defence the arrangements he has put in place for constituency offices within his Department [5229/11]

Minister for Defence (Deputy Alan Shatter): I will not have a constituency office in the Department of Defence. My constituency office will be based in the Department of Justice and Law Reform.

Ministerial Responsibilities

378. **Deputy Billy Kelleher** asked the Minister for Defence the specific powers he intends to delegate to Ministers of State in his Department [5248/11]

Minister for Defence (Deputy Alan Shatter): The Minister of State at my Department, Mr Paul Kehoe, TD, also performs the role of Government Chief Whip and Minister of State at the Department of the Taoiseach. I am currently considering the issue of formal delegation of functions and will inform the House in due course on the matter.