

DÁIL ÉIREANN

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

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DÁIL ÉIREANN

Déardaoin, 7 Aibreán 2011.
Thursday, 7 April 2011.

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

Paidir.

Prayer.

Requests to move Adjournment of Dáil under Standing Order 32

An Ceann Comhairle: Before coming to the Order of Business, I propose to deal with a notice under Standing Order 32. I call on Deputy Thomas Pringle.

Deputy Thomas Pringle: I seek the adjournment of the Dáil under Standing Order 32 to raise a matter of national importance, namely, that the House consider yesterday's announcement of the opening of the agri-environment options scheme for 2011 and call for the scheme to be open to all farmers leaving REPS 3 this year and at similar levels of funding as the current scheme.

An Ceann Comhairle: Having considered the matter raised, it is not in order under Standing Order 32.

Order of Business

The Tánaiste: It is proposed to take No. 3, Criminal Justice (Community Service) (Amendment) (No. 2) Bill 2011 — Order for Second Stage and Second Stage, to adjourn at 1.30 p.m., if not previously concluded; and No. 11, statements on suicide prevention. It is also proposed, notwithstanding anything in Standing Orders, that the following arrangements shall apply in relation to No. 11: (i) the statement of a Minister or Minister of State and 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 in each case; (ii) the statement of each other Member called upon shall not exceed 15 minutes in each case; (iii) Members may share time; and (iv) a Minister or Minister of State shall be called upon to make a statement in reply which shall not exceed ten minutes.

An Ceann Comhairle: There is one proposal to be put to the House. Is the proposal for dealing with No. 11 agreed to? Agreed.

Deputy Brian Lenihan: The decision by Portugal yesterday to seek help confirms yet again that Ireland is far from being alone in facing grave difficulties on the financial and economic front. I am sure the Tánaiste is aware that the terms of the deal to be secured by Portugal will be of great relevance to Ireland. The deal should confirm again that the interest rate to be charged will be reduced in order to reflect a more sustainable figure, as well as the major changes in the support programme since last year. This has been agreed by the Commission since February. Given this, will the Tánaiste agree to find time next week for a short debate

[Deputy Brian Lenihan.]

to enable the Minister for Finance to update us on the outcome of the ECOFIN meeting taking place today and tomorrow?

The second issue I wish to raise on foot of this is that while it may not be legally required to have a vote of the House, it appears other member states, as the Tánaiste is aware from the discussions on the corporation tax issue, choose to have votes on such arrangements. It might be desirable to have a vote in the House on the Portuguese arrangement, if only to strengthen the Government's hand for the purposes of the negotiations.

The Tánaiste: I agree with the Deputy that the situation in Portugal and its application are of considerable relevance to our position. They underline again the extent to which the problem has a European dimension and the necessity for the approach being taken by the Government which is engaging in an ongoing process of discussion and negotiation with the European institutions, including the ECB, and other European Union member states. The Minister for Finance is attending the informal ECOFIN meeting in Budapest this week. Until he returns and we know the outcome, I do not want to commit him to the arrangements he will make. As the Deputy knows, he has been very forthcoming in coming to the House to make statements and respond, as he did yesterday. I will certainly discuss the matter with him. I remind the Deputy that the interest rate with which we are stuck is the one he negotiated and something the Government is seeking to reduce. He is asking for a vote on the Portuguese arrangement, although he was very reluctant at the time to have a vote on the Irish arrangement.

Deputy Brian Lenihan: There was a vote.

The Tánaiste: We will get the response of the Minister for Finance when he returns from the ECOFIN meeting. I am sure the Deputy will join me in wishing the Minister well at that meeting.

Deputy Brian Lenihan: I wish——

An Ceann Comhairle: I have been somewhat liberal in what I have allowed to be raised on the Order of Business.

Deputy Brian Lenihan: I was invited to——

An Ceann Comhairle: The Deputy is out of order. However, in view of the seriousness of the matter, I will be liberal.

Deputy Niall Collins: Fair play to you, a Cheann Comhairle.

An Ceann Comhairle: Please do not abuse my hospitality.

Deputy Brian Lenihan: I will not abuse your liberality or hospitality. I was never in a hospitality tent.

Deputy Bernard J. Durkan: Those were the days.

Deputy Brian Lenihan: There were, of course, no negotiations last year on the interest rate because the different instruments had predetermined the interest rates to be charged. When the Government raised this issue in February, the Commission supported a change in the interest rate. We should take the opportunity to nail this down. I wish the Minister for Finance well in his endeavours.

Deputy Mary Lou McDonald: This morning the almost 800,000 holders of private residential mortgage accounts have woken up to the news that at lunchtime today the ECB will announce an interest rate increase of 0.25%. As the Tánaiste knows, data from the end of last year reflect the fact that 10% of mortgage holders are in distress, a large proportion of whom are in substantial arrears, while others have restructured their loans. The proposed increase of 0.25% would mean, for a person with a mortgage of €300,000, a rise in repayments of some €40 per month.

An Ceann Comhairle: Does the Deputy have a question?

Deputy Mary Lou McDonald: I do. Given that people are already struggling——

An Ceann Comhairle: Is the Deputy seeking time or is she asking about promised legislation?

Deputy Mary Lou McDonald: I am coming to that now.

An Ceann Comhairle: Perhaps the Deputy will let me know as soon as she can.

(Interruptions).

Deputy Mary Lou McDonald: I notice the Ceann Comhairle does not afford me the same tolerance and hospitality as he affords my colleague.

An Ceann Comhairle: I have done. Strictly speaking the Deputy should not be asking this question at all. However, she may continue.

Deputy Mary Lou McDonald: There is no proposal in the legislative programme to deal with this pressing matter. That is astonishing given the urgency of the situation in which so many families find themselves. The Government is asleep at the wheel, it has let this matter slip by——

(Interruptions).

A Deputy: Come back, Caoimhghín.

Deputy Brendan Howlin: Caoimhghín had so much more gravitas.

Deputy Mary Lou McDonald: The Government moved very quickly to bail out the bankers, to have episode five of the bailout. Where is the legislation to protect mortgage holders who are struggling and in stress?

An Ceann Comhairle: Is there promised legislation in this area, a Thánaiste?

(Interruptions).

An Ceann Comhairle: Order, please. Deputies should respect their own leader by allowing the Tánaiste to answer.

A Deputy: All we are seeking is consistency.

An Ceann Comhairle: I am not asking for Deputies' comments.

The Tánaiste: The Government has been up much earlier than Deputy McDonald on this issue. If she turns her attention to the programme for Government she will find that we are committed to introducing a range of measures to address the problems of people who are

[The Tánaiste.]

in mortgage distress. The Government is concerned about the imminent decision from the ECB to increase interest rates today. We will have to await that announcement. We are acutely aware of the difficulties for many families and households in meeting their mortgage repayments. We are very much mindful of the fact that something in the order of 44,000 households are in mortgage arrears and that an increase in interest rates will put an additional burden on families and households.

That is why we have committed to examining a number of proposals to deal with the difficulties facing mortgage holders and families. They include the possibility of increasing mortgage interest relief, introducing a moratorium for householders facing repossession, fast-tracking personal bankruptcy reform for people in such circumstances, and cutting costs in the institutions that provide mortgages to see to what extent that can absorb the impact of interest rate increases. I assure the Deputy that this is being actively addressed by the Government. This is a Government that is very much on the side of the mortgage holder and of families and households who find themselves under increased pressure as a result of increasing interest rates.

Deputy Mary Lou McDonald: I am acutely aware of the promises the Tánaiste made in the election and of the contents of the programme for Government. I am also aware, as is the Tánaiste, that none of them has found its way into the legislative programme. This is not an issue that can wait. People are under pressure now; people are having their homes repossessed now; people cannot meet their mortgage repayments now. This is another case of the Government long fingering an issue of great importance to families and people in distress. Why is it not in the legislative programme or, if it is, can the Tánaiste point it out?

An Ceann Comhairle: I remind Deputies that this is not Question Time.

Deputy Brendan Howlin: It is not badger time either.

An Ceann Comhairle: Deputies are to ask about promised legislation. I ask Members on both sides of the House to be brief and not to abuse what we are trying to achieve here. There must be fairness all around. There are other Members waiting to ask a question.

The Tánaiste: Not every measure taken by the Government to address the very real problems people are experiencing requires legislation. Where any decision does require legislation, that legislation will be brought forward. In regard to the legislative programme, it is open to Government to add legislative proposals to the document that was published this week. If legislation is required then it will be brought in.

Deputy Mary Lou McDonald: If legislation is not required then the Government should act now on this issue.

Deputy Joe Higgins: I have studied the Government's new legislative programme and I find some 40-odd pieces of legislation none of which is new, all borrowed from Fianna Fáil. What we have up to the moment is a kind of Johnny Forty Coats Government which, without any coat——

An Ceann Comhairle: We do not want speeches, only questions.

Deputy Joe Higgins: ——borrowed from the crowd that preceded it. Does the Tánaiste think the people went out to vote to give the guys in front of me a bit of a break rather than voting for serious change?

An Ceann Comhairle: The Deputy and his colleagues can have a chat over a coffee and the rest later. Will he ask a question now?

Deputy Joe Higgins: Admittedly they were in a rather bedraggled condition by the time the general election came.

People went out to vote and they believed what the Tánaiste said. One commitment he gave was that his party would not impose water charges on hard-pressed householders. Yesterday, however, the Minister of State at the Department of the Environment, Heritage and Local Government, Deputy O'Dowd, promised he would bring in legislation in the next two years to impose a new water tax on hard-pressed householders and taxpayers who are already carrying the burden of the massive bank bailouts. Is it Labour's way or is it Fine Gael's way as far as water charges are concerned?

A Deputy: It is not Joe Higgins's way.

The Tánaiste: There is no legislative proposal I can find in regard to that matter. Deputy Higgins says he has been studying the legislative programme. I recommend that he do a bit of revision; the Government can offer him a grind on it if he wants. There are in fact several proposals for new legislation in the programme for Government, including in section A which is the part of the programme indicating the legislation the Government intends to publish in the short term.

Deputy Joe Higgins: The Minister of State, Deputy O'Dowd, clearly indicated yesterday that he is to come forward with provisions to impose water charges in 2012 or 2013. Can we have a clear answer from the Tánaiste on whether this is Government policy?

An Ceann Comhairle: Is there promised legislation on this issue, a Thánaiste?

The Tánaiste: To which item in the legislative programme is the Deputy referring?

Deputy Joe Higgins: I am referring to what was promised in the Dáil yesterday by a Minister of State in the Tánaiste's Government.

A Deputy: First 100 days.

An Ceann Comhairle: The Deputy will have to put down a parliamentary question to get a proper answer on this issue.

(Interruptions).

Deputy Joe Higgins: With respect, it is not good enough that the person standing in for the Head of Government will not give a clear answer on a question that is clearly within the Standing Orders of the Dáil.

An Ceann Comhairle: The Tánaiste has given a clear answer.

A Deputy: More fudge.

Deputy Joe Higgins: Is the Tánaiste saying that water charges legislation will not be introduced in this Dáil?

The Tánaiste: I am saying there is no legislation listed in the legislative programme in regard to water charges. The issue is addressed in the programme for Government. When the Government has considered it, if a legislative measure is required it will be advised to the House.

Deputy Éamon Ó Cuív: Ba mhaith liom ceist a chur ar an Tánaiste cénuair a bheidh an díospóireacht ann a gealladh tráth Lá 'le Pádraig sa Teach seo ar chúrsaí Gaeilge, go mór mór i bhfianaise an dearcaidh atá léirithe ag an Rialtas i leith na Gaeilge, an mhoilleadóireacht atá á dhéanamh leis an straitéis 20 bliain, an cúlú atá á dhéanamh maidir le cúrsaí Gaeilge sa chóras oideachais, agus an cinneadh a rinne an Rialtas agus an Taoiseach nach——

An Ceann Comhairle: That is not in order on the Order of Business. We are dealing with promised legislation.

Deputy Éamon Ó Cuív: Is rud é a gealladh. Chomh maith leis sin——

An Ceann Comhairle: It is not promised legislation. Is the Deputy listening to me?

Deputy Éamon Ó Cuív: Maidir leis an gclár reachtaíochta, cén uair go díreach a fhoilseofar an Bille Gaeltachta agus an bhfuil sé i gceist aisghairm a dhéanamh ar Acht 1956? An bhfuil i gceist aige cinn an Bhille a fhoilsiú nuair a bheidh sin ceadaithe ag an Rialtas?

An Ceann Comhairle: The Tánaiste, on promised legislation.

The Tánaiste: Beidh díospóireacht sa Dáil faoi Straitéis Fiche Bliain don Ghaeilge agus faoi chúrsaí Gaeilge agus polasaí ina leith. Beidh sé ar siúil amach anseo. Is féidir leis na haoiri é sin a eagrú chomh luath agus is féidir. Maidir leis an mBille, ní bheidh sé sin foilsithe go dtí an bhliain seo chugainn.

Deputy Éamon Ó Cuív: Cén uair?

An Ceann Comhairle: Next year. I call Deputy Ó Caoláin.

Deputy Éamon Ó Cuív: An bhfoilseofar cinn an Bhille nuair a bheidh sé ceadaithe ag an Rialtas?

The Tánaiste: Is féidir é sin a phlé leis an Aire. Tá an Rialtas oscailte don moladh sin.

Deputy Caoimhghín Ó Caoláin: On foot of the publication of the legislative programme, the signalled intent regarding the legislation that traditionally has come under the responsibility of the Department of Health and Children makes clear that it is continuing under the aegis of that Department. I for one, greatly welcome the new Government's decision to set up a new Department for children. How soon does the Tánaiste expect the new Minister with responsibility for children to have a full Department whereby questions, legislation and all other responsibilities will fall directly under the ambit and responsibility of the Minister, Deputy Fitzgerald? This is hugely important and in that context, I refer to the comparative status of the autumn legislative programme and the current commitment of the Government in its legislative programme. For example, in the case of the children first Bill, formerly the Ryan implementation Bill, the previous Government indicated in its last legislative programme that publication was expected in 2011. However, in the first legislative programme published by the new Government, the wording used is that "it is not possible to indicate". The same applies in respect of the national vetting bureau Bill. Although publication was expected in 2011 according to the former Government's last legislative programme, the new Government's first programme indicates "it is not possible to indicate". Many of the Tánaiste's colleagues on the Front Bench and certainly Deputy Howlin, were hard-working industrious members of the committee that produced the first report that led to this legislation. However, Members now have no certainty that it will be presented in the current year. This row-back is a cause of great concern. Consequently, the Tánaiste should indicate when the new Department of children will be *in*

situ. Moreover, when will legislation in respect of children's issues be addressed in a real and thorough way? What is the position regarding the aforementioned Bills that were promised in this year by the former Government but about which the present Administration is not in a position to indicate? This includes a third Bill on children, namely, the children (establishment of child welfare and protection agency) Bill, which again is listed as being not possible to indicate.

The Tánaiste: As for the first question on when the new Department of children and youth affairs will be established, I draw Deputy Ó Caoláin's attention to the ministers and secretaries (amendment) Bill on the A list of promised legislation. This Bill will provide for the establishment of the Department of children and youth affairs and the new Department of public expenditure and reform. Obviously this Bill is being given priority because the Government is anxious to establish the aforementioned two Departments as quickly as possible and I expect the Bill will be before the House within a matter of weeks.

As for target dates for the publication of legislation, I am sure Deputy Ó Caoláin will recall that in the past, a practice existed whereby indicative dates were given for the publication of legislation but that those dates were then not met. Consequently, there often is considerable doubt as to whether those indicative dates will be met. In drawing up this legislative programme, the Government decided that the indicative dates that would be published therein would be dates the Government intends to meet. In cases in which it has not been possible to fix a date, that has been indicated in the legislative programme.

In respect of the Bills to which the Deputy refers, they are being furthered by the Minister for children. It is not intended that there will be a delay in their publication and when it is possible to provide a definitive date for publication, it will be given.

Deputy Caoimhghín Ó Caoláin: Very briefly——

An Ceann Comhairle: No sorry, I call Deputy Cowen.

Deputy Caoimhghín Ó Caoláin: With the Ceann Comhairle's indulgence——

An Ceann Comhairle: No, I am sorry but I gave the Deputy a fair run. I call Deputy Cowen.

Deputy Barry Cowen: When will the animal health and welfare Bill be published? Will it include a section pertaining to farmer welfare, considering the announcement made yesterday in which the agri-environment options scheme, AEOS, was——

An Ceann Comhairle: Deputy, that is an entirely separate matter.

Deputy Barry Cowen: —— cut by 20%? Consequently, I expect the aforementioned Bill now will include a farmer welfare section as farmers' welfare was hit so severely yesterday.

Deputy Jerry Buttimer: Members opposite did a good job on the farmers.

The Tánaiste: I understand from the Minister that he hopes to publish that Bill before the summer. Obviously, the content of the Bill is a matter for the Minister, which the Deputy can pursue directly with him.

Deputy Joanna Tuffy: Are there plans to build on the freedom of information legislation introduced by the Labour Party when it was last in government?

The Tánaiste: Yes, there is a Bill on the C list of promised legislation, namely, the freedom of information (amendment) Bill to amend the freedom of information legislation in line with

[The Tánaiste.]

the programme for Government commitments and the publication of that Bill is expected this year.

Deputy Aengus Ó Snodaigh: I will not stray into an area mentioned earlier by Deputy Higgins, namely, water charges. However, in the Chamber yesterday, in the context of the issue of water, the expenditure of €1 billion and the installation of water meters, the Minister of State, Deputy O'Dowd, mentioned that a new quango, Irish Water or presumably Uisce Éireann, will be established to take over supply and maintenance from 34 local authorities. Obviously, this will reduce the powers and functions of local authorities. I do not see this in the legislative programme although the Minister of State expressed his hope that legislation would be ready to set up that quango before the end of the year. Obviously, it also would deal with the installation of——

An Ceann Comhairle: Sorry, if the Deputy has the answer, what more does he want?

Deputy Aengus Ó Snodaigh: I do not have the answer if one examines the legislative programme that was produced on Tuesday. Yesterday, which happened to be Wednesday, the Minister of State, Deputy O'Dowd, came up with a new legislative item. I refer to No. 64 on the legislative programme, namely, the water services (amendment) Bill, which states it will establish a system for inspecting and monitoring the performance of septic tanks and other on-site waste water treatment systems. Is this the legislation under which this agency is to be established?

An Ceann Comhairle: I do not know but if the Deputy gives me a chance, I will ask.

Deputy Aengus Ó Snodaigh: I know. I am asking this through the Ceann Comhairle because I respect his authority. My point is that the Minister of State promised this by the end of the year but the C list does not indicate anything to that effect.

An Ceann Comhairle: Is this the same legislation?

The Tánaiste: No, the water services (amendment) bill is to establish a system for inspecting and monitoring the performance of septic tanks and other on-site waste water treatment systems.

An Ceann Comhairle: I call Deputy McConalogue.

Deputy Caoimhghín Ó Caoláin: What about the other promised legislation?

Deputy Aengus Ó Snodaigh: What about the quango?

An Ceann Comhairle: Deputy, another Deputy sitting behind you wishes to contribute.

Deputy Charlie McConalogue: When will the social welfare and pensions Bill be published? Will it include amendments in respect of the mortgage interest scheme as proposed by the previous Government, which would be of great assistance to those people who are facing interest rate hikes from the ECB?

The Tánaiste: It is intended that this Bill will be published this session.

Criminal Justice (Community Service) (Amendment) (No. 2) Bill 2011: Order for Second Stage

Bill entitle an Act to amend the Criminal Justice (Community Service) Act 1983; and to provide for related matters.

Minister for Justice and Equality (Deputy Alan Shatter): I move: “That Second Stage be taken now.”

Question put and agreed to.

Criminal Justice (Community Service) (Amendment) (No. 2) Bill 2011: Second Stage

Minister for Justice and Equality (Deputy Alan Shatter): I move: “That the Bill be now read a Second Time.”

I am pleased to present this Bill to the House, which is designed to encourage the greater use of community service as an alternative sanction to imprisonment. The first Bill I ever published as a Deputy was the Community Service Bill 1982, the first legislation published in the State to facilitate the courts making community service orders. It is particularly appropriate that the first Bill I am introducing to the House as the Minister for Justice and Equality is legislation to amend our law on community service orders.

The 2011 Bill reflects the commitment set out in the national recovery plan to extend the use of community service orders by introducing a requirement on judges when considering the imposition of a sentence of 12 months or less to consider the alternative sanction of community service first. This is a commitment in the programme for Government as published. Imprisonment — the deprivation of a person’s liberty — is the most serious sanction available to the State in punishing a person convicted of a criminal offence. It is rightly regarded as a sentence of last resort.

In the area of penal policy, non-custodial or alternative sanctions are an essential part of the sentencing options available to a court when imposing a sanction on a convicted offender. Many minor offences, while carrying potential sentences of imprisonment, may not warrant a sentence of custody. This is where non-custodial sentencing options form an essential part of the judicial discretion in sentencing. The most common non-custodial sanction used by the courts is the imposition of a fine. Other alternative sanctions include suspended sentences, application of the Probation of Offenders Act, the imposition of a restriction on movement order or the imposition of a community service order. Today we focus on community service orders and encourage their use as an alternative sanction to terms of imprisonment of up to one year.

It was last July when I, as Fine Gael justice spokesperson, first proposed that a greater obligation should be imposed on the courts to make provision for community service orders. In circumstances in which the courts were considering imposing a sentence of 12 months or less in respect of an offence, I suggested that legislation be introduced by the then Government to impose an obligation on the Judiciary to consider automatically community service as an alternative. Some weeks later, the then Minister for Justice and Law Reform, Mr. Dermot Ahern, indicated that the Government would introduce legislation, but it would confine the obligation on the Judiciary in circumstances where sentences of six months or less were being considered. The 2011 Bill is in line with the original proposal made last summer and in accordance with the programme for Government.

Before addressing the Bill in detail, I will set out some background to community service. As an alternative sanction to imprisonment, community service was first introduced under the Criminal Justice (Community Service) Act 1983, the provisions of which reflected those contained in the 1982 Bill. Under that Act, a court may make a community service order in respect of an offender who is over the age of 16 years and has been convicted of a criminal offence for which a sentence of imprisonment would be appropriate. A community service order requires an offender to perform unpaid work for between 40 and 240 hours.

[Deputy Alan Shatter.]

A number of conditions must be met before making an order. A court may not apply a community service order unless satisfied, on the basis of an assessment report of a probation officer, that the offender is a suitable person for the purpose of such an order, appropriate work is available and the offender has consented to the order.

Increasing the use of the community service scheme was one of the main recommendations of the value for money and policy review of the scheme that was published in October 2009. As noted by the review, community service as an alternative sanction to custody achieves several goals benefiting the State, the community and the individual offender. Community service delivers significant financial savings, as it is a considerably cheaper sanction than imprisonment. An analysis of the costs involved indicate that the comparative cost of a community service order is unlikely to exceed 34% of the alternative cost of imprisonment and may be estimated to be as low as 11%-12%. Community service benefits the offenders by diverting them from prison, allowing them to maintain ties with family, friends and community, including continuing in education or employment as the case may be. Community service also offers reparation to the community, which benefits from the unpaid work of those serving these orders.

In this regard, it is worth remarking on some of the projects undertaken in communities throughout the country. In 2009, the community service graffiti removal project was piloted in south County Dublin. Using specialised equipment, it was successful in removing unsightly graffiti in local communities, delivering significant savings for communities and councils and providing a positive and visible benefit for the former. For the offenders, a sense of job satisfaction was developed, particularly given the appreciation shown by the communities for the work done. The positive impact on offenders manifested in consistent attendance, good performance and reductions in warnings. The project was further rolled out to the Dún Laoghaire-Rathdown County Council area and expanded in Cork throughout 2010.

Community service has also proven useful in reacting to events in local areas. In late 2009 following significant flooding in Athlone and Ballinasloe, community service assisted in the local response with flood relief and clean up work.

A significant number of community service projects involve environmental improvement programmes such as graffiti removal, picking up litter, gardening and so on. As well as working with local authorities, partnerships are formed with tidy towns groups and others. Since 2007, the probation service has worked in association with Monaghan Tidy Towns to utilise persons on community service. The work carried out under community service may vary from litter picking in housing estates in Carlow to the maintenance of a cemetery in Kilkenny or a cathedral and church yard in Enniscorthy.

Despite such projects, the value for money and policy review identified a significant shortfall in the capacity utilisation of the community service scheme. Nationwide, capacity utilisation was estimated at 33%. This figure is a reflection of the fact that a small number of courts were responsible for the majority of orders made. In 2006, 29 courts of 108 court venues accounted for 80% of the total number of community service orders, with just 12 courts accounting for 60% of the orders. From my inquiries, it clearly remains the case that a significant number of courts and judges only rarely involve themselves in making community service orders. Where community service orders might be more appropriate than short prison sentences, there is a far greater need for them to be applied to the benefit of the community generally in terms of works to be undertaken and persons convicted of offences making reparations to communities for wrongs done without incurring unnecessary expenditure to the public purse.

As a resource for local communities, the importance of community service should not be underestimated and every effort to extend its use should be encouraged. The probation service has been leading the drive to increase the number of persons who could potentially be placed on community service. A new model of delivery was piloted in the Dublin area in 2010 which incorporated new practices and modes of operation, new management systems and increased focus on overall governance and work place utilisation. During the operation of this new model, the number of orders imposed in the Dublin area was up by a third, and it is intended to roll out this model nationwide.

The success of such initiatives is evidenced by the increase in the number of community service orders over the last few years. In 2006, some 1,158 orders were made by the courts and this increased to 1,949 orders in 2010. I do not regard the achieved increase as close to the numbers of community service orders which could properly be made in the context of our criminal justice system.

There continues to be scope for greater use of community service and it is my strong view that community service should be considered where a sentence for a period of imprisonment for up to 12 months is being considered by a court. There has been a significant increase in sentences of up to this period. In 2009, for example, 9,216 persons were committed to sentences of up to one year, representing 85% of committals that year. As these sentences indicate, the offences involved are generally of a minor nature, with 40% for road traffic offences; these offenders should be considered for community service. To that end, the primary purpose of this Bill is to introduce a requirement on the courts to consider imposing a community service order as an alternative to custody in certain circumstances.

The proposed amendment provides that a court, before which a person is convicted and in circumstances where a sentence of up to 12 months would be appropriate, shall consider, as an alternative to that sentence, the imposition of a community service order. This is a specific obligation imposed on the court. The requirement to consider imposing a community service order in such cases will be the primary new feature of the community service process. However, the obligation introduced by this amendment is simply an obligation to consider making a community service order; whether the court proceeds to make an order is entirely a matter for the court. To impose any further obligation on the court would be an inappropriate interference with the judicial function. However, the obligation will ensure that some members of the Judiciary who up to now have failed to necessarily consider the imposition of community service orders in circumstances to which such orders may be more appropriate than the imposition of a short prison sentence may now do so. The decision to impose a community service order will also remain dependent on the satisfaction of the conditions for the imposition of such an order as set out in the 1983 Act and to which I earlier referred.

I will now outline the main provisions of the Bill. Section 2 amends the definitions section of the Criminal Justice (Community Service) Act 1983. The main change in this section is the amended definition of “relevant officer”. Under the 1983 Act, a relevant officer is defined as “a probation and welfare officer discharging functions under this Act”. This definition has been amended to read “a person who has been assigned by the director of the probation service to discharge functions under this Act and includes a probation officer discharging functions under this Act”. In effect, under the new definition, a relevant officer may be a probation officer but may also, for example, be a community service supervisor or a member of the administrative staff of the probation service. The amended definition recognises that a number of functions of a relevant officer under the 1983 Act need not necessarily be carried out by a probation officer. This amendment to the definition of “relevant officer” will facilitate a reduction in any unnecessary administrative burden on probation officers.

[Deputy Alan Shatter.]

I have already outlined the main provision of section 3 of the Bill, namely, to create an obligation on judges, in sentencing for an offence where imprisonment of up to 12 months may be appropriate, to consider imposing a community service order in place of imprisonment. This section introduces further new provisions into the 1983 Act, namely, placing a requirement on a court that considers a particular offender to be a person in respect of whom it may be appropriate to make a community service order, to request an assessment report from the probation and welfare service. This assessment report should be furnished to the court within 28 days. A provision to extend this period is included where there is good reason for doing so and it is in the interests of justice. These provisions essentially reflect existing practice.

Section 3(c) of the Bill proposes a new section 2A to be inserted into the 1983 Act. This new provision will confirm that the requirement under the Bill to consider community service does not affect the power to impose any other orders available to a court which provide for an alternative to sentence of imprisonment. In effect, the provisions of the Act will not preclude the imposition of any alternative sanction to imprisonment such as suspended sentence, application of the Probation Act or restriction on movement orders.

Section 4 of the Bill essentially restates the existing section 4(1) of the 1983 Act with reference to the assessment report under the new section 3(1B) inserted by this Bill. I have already referred to the conditions for the making of a community service order, which are that the court is satisfied that the offender is a suitable person to perform work under an order and arrangements to perform such work can be made. In reaching such a determination, the court will consider the offender's circumstances, the assessment report prepared by a probation officer, and, if necessary, hear evidence from such an officer. In addition, and importantly, the offender must consent to the making of an order.

Section 5 of the Bill restates section 6 of the 1983 Act but includes specific reference to the Circuit Court. While community service orders may be imposed by any court, excluding the Special Criminal Court, they have, until recently, normally been imposed in proceedings before the District Court. However, this form of sanction is increasingly being used by the Circuit Court and the amendments to the 1983 Act proposed by this Bill will further encourage the use of these orders by that court.

Section 6 of the 1983 Act requires an order to specify the district of residence in which an offender will or shall reside for the duration of the order. This has been amended to also include circuit of residence as would be appropriate where the order is made by the Circuit Court. A further amendment to this section requires a certified copy of the order to be sent to the director of the probation and welfare service, who shall ensure a copy of the order is given to the offender. Under the existing provision, this task was assigned to a relevant officer who was a probation officer. However, it is considered administratively expedient to centralise this function, allowing more accurate control of information on orders that have made as well as for the efficient onward transmission of those orders to offenders.

Section 6 of the Bill amends section 7 of the 1983 Act. These are minor amendments providing that the director of the probation and welfare service will direct an offender to report to a specified relevant officer. This section of the Bill also amends the provision in section 7 of the 1983 Act which allows for prosecutions for failure to comply with a community service order to be taken by a relevant officer. The words "relevant officer" have been replaced by "probation officer" and it is appropriate that such prosecutions would only be taken by a probation officer. Given that this Bill amends the definition of "relevant officer" to potentially include persons other than probation officers, this amendment provides the necessary clarification.

Section 7 of the Bill amends section 9 of the 1983 Act, which provides for the extension of time for the performance of work under an order. The Act provides that the hours of work under a community service order shall be completed within 12 months of the date of the order. However, this period may be extended under section 9 of the Act. The existing provision requires such applications to be made to the District Court. It is proposed to amend this by substituting the word “court” for “District Court”. Where an order is made by the Circuit Court, it is appropriate that the court would amend the order where necessary and this section makes the required provision.

Section 8 amends section 10 of the 1983 Act, which allows for applications to the court for a change of residence of an offender. This follows on foot of the requirement in the Act that a community service order would state the district of residence or, on foot of this Bill, the circuit of residence of an offender. Section 10 of the Act is being amended to include references to the Circuit Court in addition to the District Court.

Section 9 amends section 11 of the 1983 Act, which provides for revocation of orders. Again, this section has been amended to make specific reference to the Circuit Court. In addition, applications for the revocation of an order could under the 1983 Act be made by the offender or by a relevant officer. The reference to “relevant officer” has now been amended to read “probation officer”. As with the amendment introduced by section 6 of this Bill, applications for revocations are properly the function of a probation officer. Given the extended definition of “relevant officer” introduced by this Bill, the amendment provides the necessary clarification.

Section 10 of the Bill amends section 12 of the 1983 Act, relating to the jurisdiction of the courts. As I have outlined, a number of amendments introduced by this Bill have been done so to include specific reference to the Circuit Court. This section ensures the jurisdiction provisions of the 1983 Act apply equally to the Circuit Court as they do the District Court whether dealing with an application for extension of time for completion of community service, a change of residence by the offender or revocation of an order.

Section 11 again amends the 1983 Act so that the power to summon or, if necessary, order the arrest of an offender subject to a community service order is not limited to the District Court. Section 12 of the Bill clarifies that references in existing enactments to probation and welfare will be construed as references to probation. This provision reflects the Government decision of 19 May 2006 which included the re-branding of the probation and welfare service as the probation service. Given that the amendments introduced in this Bill refer to “Probation Service”, “Director of Probation Service” and “probation officer”, it is appropriate to take this opportunity to clarify references in existing legislation. This provision does that.

I will briefly address the impact of this Bill on prison capacity. The motivation to deliver the proposals contained in this Bill is not to deliver prison spaces, although in the short term, it may well provide some benefit in this regard. It is true that the number of committals for sentences of less than 12 months has increased in recent years. In 2009, 85% of the total number of sentenced persons committed to prison in that year received sentences of up to 12 months. However, according to monthly statistics, the proportion of people in custody on a daily basis who are serving short sentences is around 15%. The short nature of these sentences results in quick turn around of such prisoners with little or no accumulation effect on prisoner numbers for the following year.

Increasing community service will not significantly impact available prison space. This Bill is about diverting away from prison those persons receiving these relatively short sentences, and making them subject to a sanction which benefits them and their communities. Community

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service as an alternative sanction to imprisonment is not new. Today, we are merely seeking to increase the use that is made of this sentencing option.

In spite of its seemingly simple purpose, this is an important Bill. It is a response to the findings of the value for money and policy review of the community service scheme and is a further step in diverting persons from prison where it is appropriate to do so. The Fines Act 2010 provided a balanced and more humane approach to the determination and collection of fines. That Act also provides for alternatives to imprisonment, including community service, in the event of a failure to recover a fine or its value in seized goods. This Bill is a further step in the pursuit of measures to increase, where appropriate, the use of non-custodial sanctions and reduce the use of imprisonment. It delivers a key commitment of the Government programme and is a step in our delivering a sentencing society at a lower cost to the taxpayer.

I again emphasise that the positive impact of community service is far-reaching — it delivers at a national, community and individual level. Financial benefits will accrue to the Exchequer from the significantly lower costs associated with community service as compared to imprisonment. The community obtains a measure of reparation and the benefit from unpaid work. Community service allows offenders to remain in work or education, maintain links with family and community and deliver reparation for the offence for which they have been convicted. There are persons sentenced to short terms of imprisonment who could, and should, be subject to a community service order. This Bill seeks to focus attention on and encourage greater use of this non-custodial sentencing option.

I commend this Bill to the House.

Deputy Éamon Ó Cuív: I thank the Minister for his comprehensive outline of the Bill, whose publication I welcome. The Minister, of course, is aware this was part of two pieces of legislation planned by the previous Government, the other being the Fines Bill. The point was to get away from the ridiculous practice of putting people into prison for non-payment of fines. Many find it difficult to pay fines and, as I have pointed out many times, a €1,000 fine to a person on social welfare is very different to the same fine for a person on an income of €100,000 per year. There is an inherent inequality and one often finds that those who do not pay fines are those on lower incomes.

This Bill builds on the approach that prison should be a last resort. The idea that Irish society will somehow be made safer by putting more and more people in prison defies logic and goes against all that experience tells us. I am very disappointed that the previous Bill, in which discretion was left to the Judiciary, was used so little. There has been an increase in the numbers involved but when one looks, only 28 court districts used the Act primarily. There seems to be a reluctance on the part of the Judiciary to use community service orders and which may be related to the fact that many judges who come from certain classes of society may not be looking behind the reasons so many people arrive in prison.

One of the frightening aspects of this is that our society is no safer than it was 20 years ago although in the past 14 years the prison population has doubled. I have constantly opposed the clamour every time there is an outrage, when people say the answer to every problem is to have longer and longer sentences. I do not believe that is true. I remember discussing this issue at length with prison governors in Britain when Margaret Thatcher was Prime Minister. They were very clearly of the view that the policy of longer sentences being followed by the British Government at that time was not reducing crime. Not only did it have the opposite effect, it overcrowded the prisons.

Today we must reflect on why we send people to prison. Is it revenge? Is it punishment? Is it a deterrent? Is it as a form of rehabilitation? Is it for public safety? The idea of prison for

public safety makes eminent sense. If there is a person who is a significant danger to society keeping him or her in prison is eminently sensible. However, I am not big into the revenge stakes. This society seems very hung up on punishment and revenge; I shall speak on that shortly. I do not believe prison acts as a deterrent. I do not believe that people who break the law say, "I wonder how many months I'm going to get", or "Will I be sent to prison? Better not do it today". It is not an effective deterrent. Society norms are much more effective. In many cases, particularly for young people on short sentences, prisons are universities of crime. People go in for reasonably minor offences and come out affected by drugs and having learned the tricks of their trade from hardened people within prison.

Therefore, we need to look at our entire attitude towards law enforcement. The best law enforcement of all is the buying in by society in general to the laws of the land. There are many areas in this country where there is very little visible law enforcement by law enforcement officers yet where the law is largely complied with because people buy into it, feel they have a stake in society and believe compliance is the right thing because it is in the common interest. It is fair to say all the relevant academic research will show that prison sentences for short-term prisoners is a most ineffective policy tool in regard to the prevention of crime.

I believe all the evidence shows that where there is recurring crime there is social deprivation. If we spent more money dealing with social deprivation and less on locking up people, particularly young people from disadvantaged areas, we would make much more progress in reducing crime. Some years ago there was a statistic which showed that 50% of the prison population in Dublin came from six parishes in the city. I do not believe the people in those parishes were born inherently worse or different but they live in areas that are socially excluded, in segregated housing, in areas of high family breakdown and where there is intergenerational unemployment and difficulties.

I had responsibility for the RAPID programme which I hope the new Government will reboot as it seems to have reduced its profile in recent months. It was a key programme in that it took an intellectual approach to tackling one of the major issues in the most socially deprived and disadvantaged areas in our country. One of the characteristics of such areas is the lack of buy-in by the population into the society in which it lives. In large measure, the people do not feel part of the mainstream of Irish society and believe they are always at a disadvantage. Even though the State pays an enormous amount of money in those areas, often the reality is that everything is decided for the population and the people have very little input into decisions such as the design of houses and estates and the provision of community facilities and services. The RAPID programme gave input to local people in decisions that affected them for the first time. We put in 42 playgrounds with the support of the local communities and only one of those was ever seriously vandalised because where the community put a facility in place, it had respect for it. If we are interested in reducing crime, we would be better engaged in looking at the social phenomena behind the crime rather than thinking that by locking people up we will achieve results. I hope that any money saved here would be put into the RAPID programme to deal with the underlying social problems faced by people in these areas.

It is interesting to look at the costs. Prison is incredibly expensive. The cost of a community service order is about 15% of the cost of a prison sentence; the average community service order costs €4,000 while a prison sentence costs €27,000. That shows the potential savings but if we really want value for money, we should take those savings and reinvest them to deal with the underlying social difficulties faced by people in these communities.

I do not see the point, unless there is an horrendous traffic offence, in putting people in prison for motoring offences. They could be banned from driving if they are dangerous behind the wheel of a car. I also see no point in imprisoning people for non-payment of fines or putting

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young people in prison for getting into what was euphemistically termed “trouble” when I was growing up. We should try to deal with the underlying issues, such as a lack of education, or recognise that sometimes people go off the rails and try to put them back on the right path by engaging with them on a community basis.

The FAI and other sporting organisations did a great deal to reduce crime by increasing access to sports in socially disadvantaged areas. When midnight soccer was organised, crime and anti-social behaviour fell in the areas where it took place. I wanted to increase access to those programmes because children in disadvantaged areas remain disadvantaged because many activities that are seen as extras for middle class children are unavailable to them. A child from an advantaged background is brought to sports, music and dancing. The child from a disadvantaged background or a dysfunctional family does not get the opportunity to do these things and is left hanging around the streets. If children are left hanging around the streets long enough with nothing to do, no motivation and no involvement in any organisation, it is obvious what will happen.

By putting in place those extra activities, which I saw as fundamental, we were doing more to deal with potential crime in the long term than many of the law enforcement and crime prevention programmes. I compliment the gardaí on the work they have done in youth liaison programmes. I remember a visit to Moyross in Limerick, a group had bought a set of motor-bikes and showed children in a totally controlled environment how to ride them. I asked if the group had permission to use the rough bit of ground it was using and it said it did not bother looking for permission; it just got on with the job. That group was dead right because I can imagine 100 bureaucratic reasons that would be given to stop the children from being involved in an activity they loved in a controlled environment. I suggested to Bord na Móna that in cut away bogs children could undertake dangerous activities in a safe way. We could then deal with some of the problems related to joy-riding by allowing them to become involved in adventure sports in a safe, controlled and supervised environment.

Does prison work as a deterrent? It is self evident. We have longer prison sentences and more people in prison but we have not dealt with the crime problem. This idea that if we lock people up for longer and longer, it will frighten other people from committing crime does not work. Does punishment work? I am not a fan of the punishment argument — I am probably in a minority there — but we must look behind the social causes of crime. Rehabilitating people, to bring them back into the mainstream of society so they value the laws and understand why they exist for the good of everyone, is much more important than punishment.

I am lucky to live in an area of low crime and it is interesting to look at why it is that way. It is nothing to do with the law or fear of punishment, it is because people believe they have a stake in society and are part of it, that an orderly society is a good place to live and it is in no-one's interest to go around breaking the law.

We should examine the purpose of these measures and ask if we have organised a society that excludes and punishes people and then blames them for committing crime rather than asking why certain types of crime are predominant in certain areas. Are people that excluded? Yes they are. When I was Minister for Community, Rural and Gaeltacht Affairs, we mapped the areas of disadvantage around the country. All of the standard indicators of poverty were used but it was pointed out that there was one simple test that coincided with the maps 95% of the time: the number of Ticketmaster sales in every area. I said that was ridiculous, that people in the most isolated areas would not buy Ticketmaster products. If they go to matches, they do not buy tickets from Ticketmaster. I was told I was wrong, that if the RAPID areas of the country, the 51 most disadvantaged communities, were mapped and compared with a map of low Ticketmaster sales, there was 95% correspondence. That was done and I saw it was

correct because it shows engagement in society, opportunity and activity. We even checked the offshore islands and more children from those islands were attending concerts, matches and other social events. They were more involved socially in the most isolated rural areas than people living in Cherry Orchard, Clondalkin, Darndale and Tallaght, who are much nearer to these major events. It is a simple test that demonstrates the disconnection and exclusion of those young people from what is considered by the vast majority of Irish society, urban and rural, as the norm for a young person growing up. Therefore, if we are serious about tackling crime we must take the long view; there is no quick fix. The only real fix to reduce crime is to tackle the issue of social exclusion, especially in urban areas, to move away from the model which holds that the answer for disadvantaged areas is to pick up the criminal and put him in prison. That model suggests harder and tougher laws will solve it all, but they will not. We know that if we got every drug baron in the country and put him in prison tomorrow, within two years there would be a new set of drug barons in the same disadvantaged areas doing the same business and one would have to lock all of them up as well. Therefore, we must tackle the underlying problem and this is a small first step along the way.

It is interesting to consider the international comparisons. There has been a great drive in Finland to make greater use of early release and alternatives to custody such as community service and it has seen the virtual abolition of imprisonment for non-payment of fines. There has been a continual reduction in the prison population in Finland since the Second World War as a result. Let us imagine the money we would have to deal with the underlying social problems if we reduced the prison population. Finland has reduced the level of the prisoners from 200 per 100,000 of population at the end of the second World War to a European low rate of 60 prisoners per 100,000 of population. The figure in Ireland is relatively low, thank God, and there has not been a tradition of a large prison population, but it has been rising and it has doubled. We should aim for the rate of 50 or 60 prisoners per 100,000 of population. Paradoxically, were we to do so we could reduce crime by using the savings to prevent and divert people from crime. The Finnish situation is interesting because it has lower prison rates than comparable countries such as Norway and Sweden. However, it has a more or less identical crime rate.

This Bill is important; it is a step in the right direction and I trust the Minister will see it as one small step. The name of the Department of Justice and Equality translates in the Irish language to *An Roinn Dlí agus Cirt agus Comhionannais*, or the department of law and justice. Unfortunately, in the past it has been more the department of law than of justice and there has been a preoccupation with law and more law. As the Minister is aware, the Department has an efficient factory that has produced laws every day of the week for him.

What keeps most people on the straight and narrow is the law. In most cases those who keep the law are those who have a buy-in or a stake in society. Those who break the law believe the law is not for them because they do not belong to that society so there is no reason they should keep the law, even though it is made by the people. Until we tackle this fundamental issue we can forget about reducing crime levels and making society safe.

I exclude from what I have said, persons who for reasons of mental illness or other issues pose a continuous and serious risk to society. Naturally, for the safety of society such people should be kept in custody. In some cases the issue is more medical than anything else and the question of whether it should be prison or custody for the sake of safety in a more quasi-medical set-up should be examined. Perhaps this should be the place for people with psychiatric difficulties or who may be a continuous threat to society.

A well-known friend of mine said that with regard to crime, society often moves from the belief that punishment is the answer to the problem to the recognition that in certain cases the

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problems are, basically, underlying medical issues and that they may be better addressed by medicalising the problem. There has been a similar recognition in the treatment of alcohol problems in recent years. Now, we recognise alcoholism as an issue of dependency to be treated medically rather than punished. In cases where people are a serious risk to society we must consider whether there are medical issues that determine that there should not be a prison sentence or fixed sentencing and whether by being let out they would represent a high risk to society. The tragedy is that 15% of people are in our prisons for a short term. One of the most horrific crimes in my constituency in recent years was committed by someone who should have been in prison at the time the horrendous crime was committed, a crime which caused great emotional upset not only in this country but to the family living in a foreign country.

I welcome the Bill and I look forward to its enactment. I welcome the extension from six months to 12 months. It is an important change and the more we divert, the better we will be and the more money we will have to do other things for the good of society and to reduce crime.

Deputy Jonathan O'Brien: While the Bill before the House does not represent a wide-ranging departure from existing legislation it has the potential to kick-start a wider debate on our sentencing and prison policies. At a time when we face the reality of an already overcrowded prison system, when prison numbers continue to increase rather than decrease, when the operational procedures and conditions within prisons are suited more towards punishment rather than rehabilitation and when many people are of the opinion that we are not getting value for money, then it is important to debate the future of how we deal with crime in this State.

The recent decision by the Minister to review the future viability of Thornton Hall is to be welcomed and I congratulate him for initiating such a review. It would be prudent if this review formed part of a wider debate on the future direction of our sentencing and prison policy. As a society we require a complete re-orientation of the penal system away from the prison and towards restorative justice in the community. We must shift the prison from centre stage and devise more imaginative, humane, compassionate and effective ways to deal with the petty offenders who form the bulk of those sent to prison each year. This Bill, coupled with the review of Thornton Hall, presents the House with the ideal opportunity to draw a line in the sand on a sentencing policy which has frustrated and continues to frustrate many members of the public.

In my constituency of Cork North-Central many people struggle to have faith in a judicial system which on the one hand allows a convicted heroin dealer caught with drugs with a street value of almost €200,000 to get a six year suspended sentence, while on the other hand the same justice system sent an individual who failed to pay a fishing fine to Cork Prison for almost one week. This is only one example of how the inconsistencies within the sentencing policy currently being implemented leads to a lack of trust and faith in our Judiciary. It is for this reason I urge the Minister, in the context of the review in regard to Thornton Hall, the passage of this legislation and the introduction of all future justice legislation, to examine what works, what is in the best interests of society, of those working within the prison system, the offender and, most importantly, what will give the taxpayer the best value for money.

Unless proper drug and rehabilitative supports in prisons are resourced, alongside educational facilities, and other steps are taken to address recidivism, we will simply be ignoring what has been proven internationally to work. It is time that we all acknowledged that creating a few 100 extra cells is not a sufficient mechanism to tackle the growing prison crisis we face.

What is needed is a well thought out and adequately resourced strategy to deal with the increasing rates of imprisonment. The increase in prison numbers has led to a prison system bursting at the seams and has contributed to the creation of serious health and safety issues

within the prisons, as well as increasing the dangers faced not only by prisoners but by staff working within our prisons. Therefore, it is imperative that all future justice policy needs to be very mindful of the causal factors, such as poverty, imbedded disadvantage, inequality and addiction, which are helping feed these increases. While the number of prisoners has grown through a variety of factors such as those I mentioned, we should also recognise that an increase in the use of custodial sentence alongside a complex asylum and immigration system and the enactment of criminal justice legislation since 2000 have been contributory factors.

The move towards the provision of mandatory minimum sentences for an expanding number of offences is a questionable policy. Mandatory sentences have been proven internationally to not only swell prison numbers but to have little or no impact on crime trends.

During the past decade we have seen a slow but progressive increase in the prison population while also experiencing a sharp increase in the daily average number of persons in custody. What this appears to indicate is a slow increase in the prison numbers, exacerbated by an increase in prison sentences for minor offences, which are being held back by overcrowding. It was reported that in April 2010 overcrowding in the Irish prison system had reached record highs and that, as a consequence, more than 800 inmates were freed on the early release programme as there was insufficient space to contain them. The vast majority of those were serving sentences of less than 12 months.

International research indicates that short prison sentences act neither as a deterrent nor as a means of rehabilitating the offender. This goes to the very heart of the debate. Do we as a State view prison sentences as a tool to punish or as an opportunity to rehabilitate offenders? There is no question that the relatively limited duration of many sentences handed down by our courts, especially those of 12 months and less, means that there is little or no scope to provide people with rehabilitation services.

The same question can be asked of the community service orders. Do we view them as a means to punish or rehabilitate? The answer is dictated by the model Ireland employs. The application of the community service order scheme differs from country to country and the outcomes depend on the type of model used. For example, some community service models focus on educating offenders about the impact their crime has on victims, the wider community and the offender. Some models focus on training offenders in useful skills while others involve more menial tasks. Ireland falls into the latter category.

The Probation Service in its 2009 annual report describes the work involved in the community service order scheme in use as including, “landscaping, painting, decoration, repairs and renovation, work support to community centres, sports clubs and schools among many other challenging schemes in local communities”. The imposition of community service orders must be twofold. First, they must be about accountability and, second, they should be about rehabilitation.

Those who commit crime must be held accountable for their actions but as a society we have a responsibility to ensure that offenders get the opportunity to access proper training and education in order that they do not become repeat offenders. Some will question this approach. They will state that a person who commits a crime should do the time and that the State should not spend valuable resources on trying to rehabilitate him or her. While this may be a valid opinion it is not one I share. A judicial system which is only geared towards punishment and does not recognise the benefits of rehabilitation is counterproductive. Any legislation which moves our justice system further towards rehabilitation and accountability rather than just being focused on punishment is to be welcomed. This Bill does that.

The Bill sets out when a court shall or may consider a community service order where a prison sentence would otherwise have been enforced. It does not create any new sentence that

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does not already exist in Irish law. Community service orders are already a tool which is open to the Judiciary when dealing with convictions. That is an important fact to be highlighted.

At present the Judiciary is free to disregard community service orders as an option to imprisonment. This amending legislation proposes to change this situation by making it a requirement to consider community service orders as an alternative to imprisonment for minor offences. In recent years there has been an increase in imprisonment for minor offences, which has had far-reaching implications for society in terms of prison overcrowding, prison conditions and the ability to rehabilitate offenders, in addition to increasing public expenditure levels. All the data available to us on prison numbers appear to show that a large number of imprisonments are for minor offences, and that these numbers are on the increase.

A recent report by the Irish Prison Service shows that between 2004 and 2009, prison sentences of between six and 12 months increased by more than 50%, sentences between three and six months increased by almost 60%, while sentences of less than three months increased by a staggering 188%. In 2009, 10,865 prison sentences were imposed by the courts and of this number 9,216, or 85%, were for sentences of 12 months or less.

When speaking to people about this proposed amending legislation two questions repeatedly came up. The first was the type of crime those people serving sentences of less than 12 months had committed. To answer the question we can look to the Irish Prison Service which recently produced a snapshot of the type of offenders who were serving prison sentences of 12 months or less. This snapshot was conducted on 4 December 2009 and it revealed that on that day, 467 people were in prison serving sentences of less than 12 months, 40% were serving sentences for offences against property without violence, 17% were for road traffic offences, 58 people, or 12%, were serving sentences for offences against the person and 1% were serving sentences for offences against property with violence.

More recent data show that fine defaulters accounted for more than 3,300 committals to prison in the first ten months of 2010. This statistic is very troubling. It is particularly worrying to realise that people who fail to pay small fines, for whatever reason — people whose offending should not be serious enough to attract a custodial sentence in the first place — end up in prison. As they serve short periods in custody, fine defaulters account for only 1% or 2% of the prison population on any given day, therefore, leading to a distortion of the figures.

These statistics give rise to concerns among the public that offenders who have committed crimes of a certain nature could become the beneficiaries of this legislation. These concerns are genuine, particularly when one considers that those who committed crimes of assault with violence, drug-related crimes, crimes of a sexual nature or offences against property with violence comprised 23% of those serving 12 months or less when the snapshot was taken on 4 December. I am of the opinion that section 3(b) and section 4 deal adequately with the concerns to which I refer.

Section 3(b)(1B) provides that where a court is considering making a community service order in lieu of a prison sentence, it must give notice to the probation service. It should also be noted that the Bill seeks to improve existing legislative provision and make the procedure and system of making such probation reports more standardised by providing a time limit for efficiency and certainty within the process. This is reflected in section 3(b)(1C) which states that there will be a requirement on the probation service to act in a speedy manner when a judge indicates that he or she is considering a community service order in lieu of a prison sentence. In addition, section 3(b)(1D) states that the assessment report by a probation officer should be given within 28 days of court notice to the Probation Service. In exceptional circum-

stances this time period can be extended, where there is good reason for doing so and where it would be in the interests of justice so to do.

Section 4(a)(1) states that a court shall not make a community service order unless the following conditions have been complied with:

(a) the court is satisfied—

(i) having considered the offender's circumstances,

(ii) having considered the assessment report prepared by a probation officer pursuant to the request under section 3(1B), and;

(iii) where the court thinks it necessary, having heard evidence from such an officer,

that the offender is a suitable person to perform work under such an order and that arrangements can be made for him or her to perform such work:

(b) the offender has consented to the making of such an order.

Section 4(b), which inserts the new paragraph (c) into the principal Act, states that “under this Act the court may review the order on the application of either the offender or a relevant officer”. These proposed changes will be important additions for improving public confidence in our sentencing policy, particularly in respect of the use of community service orders.

The second question people continually put to me when discussing the Bill is whether it represents good value for money. This should come as no surprise in the current economic circumstances. People not only want better legislation, they want legislation that represents value for money. While the explanatory memorandum states that there will be no additional costs in implementing the Bill and that the existing resources of the probation service will meet the expected increase in community service orders, it is very important to recognise that the introduction and passing of this legislation will inevitably lead to greater demands being placed on an already over stretched probation service. That is despite efforts to address this issue in section 2.

The probation service must continue to be adequately resourced into the future so that this increased volume of community service orders can be administered in an effective manner. This will present a challenge in the current economic climate but it is one in respect of which the Government cannot afford to cut corners. Failure to adequately fund the probation service will undo everything this proposed legislation sets out to achieve.

An increased use of community service orders will undoubtedly lead to savings in the overall scheme of things. The value for money analysis of the community service order scheme, carried out by the then Department of Justice and Law Reform in 2009, demonstrated that the use of community service in lieu of prison sentences would produce significant savings. The cost per community service order is estimated at just over €4,200 per offender while the alternative costs of imprisonment are estimated to amount to just under €27,478 per offender. The State should not see these savings as a means to an end but rather as an opportunity to reinvest in crime prevention measures such as the juvenile diversion programme as well as increasing funding to the probation service to deal with the added number of reports to which the legislation will inevitably give rise.

Apart from the financial benefits the community service order scheme will bring, there are far more important factors to be considered. The debate on whether community service orders help reduce offending rates should be central to the Bill. The part of the probation service report of 2009 which examines the features and benefits associated with community services

[Deputy Jonathan O'Brien.]

orders shows the social advantages of such a scheme. The relevant data was collected from 29 senior probation officers who were asked to identify the main benefits associated with the community service scheme. From their responses, it can be seen that the benefits of community service orders include offenders remaining in work or education and remaining part of their families and communities. In addition, the scheme can provide an opportunity to learn new skills as well as providing a means for offenders to make amends for their actions, which is an important point.

All of that to which I refer will have a positive effect on communities and offenders. However, there is additional room for improving the Bill and perhaps certain possible improvements could be considered in more detail as the legislation progresses through the House. For example, the presumption against imprisonment in section 3(a)(1)(a) should be strengthened by requiring the sentencing judge not only to consider imposing a community service order in lieu of imprisonment for a qualifying sentence but by obliging him or her to provide written reasons relating to a decision to imprison an individual before the courts rather than to impose a community service order.

When I was reading section 3, I identified one glaring omission. Consideration should be given to making the necessary inclusion to rectify the position. Every crime has a victim and the effect of a crime on the victim should be a central consideration when a judge leans towards the imposition of a community service order rather than a prison sentence. We must examine the possibility of including victim impact statements as part of the process relating to determining whether someone is suitable for a community service order.

The community service order scheme, particularly for minor offences, can have many advantages. For society it can be more cost-effective than prison, for offenders it may mean the difference between a life of crime and a wake-up call and for communities it provides a tangible benefit through works and services which might otherwise not be undertaken. Most importantly, it can benefit society through reducing recidivism rates among offenders. For all these reasons, I welcome the Bill but with the caveat that the suggestions I made earlier in respect of victim impact statements and that the possibility of redirecting any savings accrued by the implementation of this legislation into the area of crime prevention be investigated.

Deputy Dessie Ellis: Tá Sinn Féin i bhfabhar an Bhille seo. Tá slí níos fearr ann ná daoine a chur i bpriosún ar feadh téarma gearr mar seo.

Sinn Féin believes this Bill presents an important opportunity to eliminate inflated expenditure on unnecessary incarceration by ensuring that the courts will be obliged to consider the imposition of community service orders in certain circumstances. It is clear that merely locking increasing numbers of people up in prison cells does nothing to reduce crime. We must consider what works and ensure that justice policy is aimed at addressing the key causal factors of crime, namely, poverty, embedded disadvantage, entrenched inequality, lack of education and, in many cases, home life.

From a financial perspective, this Bill makes sense. The average cost of keeping an individual prisoner in custody for one year is just under €100,000 compared to an estimated cost of €4,295 for a community service order. These are stark figures. There is a high proportion of prisoners serving short prison sentences for offences that do not suggest they are a threat to society; clearly, therefore, there are questions to be asked about the cost effectiveness of the overuse of custodial sentences in the criminal justice system. Criminalising people more and more is unfair. Reducing expenditure on unnecessary incarceration would be more economically effective, as well as more socially effective.

When done properly, a community service order can prevent further reoffending by reintegrating the offender into the community through successful completion of positive and demanding unpaid work. The offender can give back to the community by doing something socially useful. We support the use of community service orders where appropriate, but they should not replace lower tariff sanctions and should remain as one of a diverse range of choices in alternative to custody. Judges should be required to consider their appropriateness against a custodial sentence. In the interest of fairness, guidelines must be introduced for the use of community service orders. An equivalency scale of hours of community service relative to time in custody, or fines imposed, should also be established. Education programmes could be part of this.

Sinn Féin strongly supports the introduction of community service orders as an alternate to custody for fine defaulters as we believe the use of custodial sentences for fine defaulters is inappropriate, ineffective, excessively resource intensive and should end. Fine levels do not take into account equality of impact. They have a negligible impact on high income offenders. I am reminded of a case that occurred a couple of years ago. A young girl from a working class area in Finglas spent two days in jail for non-payment of a fine imposed for not having a dog licence. That was absolutely scandalous. The judge in the case and the authorities lost the run of themselves.

We would like to take this opportunity to talk about the importance of the Government addressing the causes of crime in the first place. While the Bill is to be welcomed, it should really be a part of an overall strategy to get at the root causes of crime and address the glaring cracks in the system. In Dublin North West drug addiction is a huge issue. We welcomed the Government's commitment to support the principles of the national addiction strategy, particularly the commitment to expand rehabilitation services at local level, although we urge the Government to fund these services according to need rather than leaving them at the mercy of restricted budgets.

The Government needs to restore community confidence in the Garda. The community needs to feel it can report crimes. Incidents such as what happened in Rossport recently will not instill confidence in the Garda. What effect will this have on women who have reported sexual assaults, particularly in the Rossport area? How many women who have reported such crimes are now wondering if gardaí are joking about them? This matter must be addressed, as we do not want to see confidence in the Garda reduced.

There needs to be a connection between an effective police service and the community it is serving. Gardai rarely live in the communities in which they work, particularly working class areas. A garda from a working class area who joins the force will usually move elsewhere. The same is true of judges who rarely come from working class areas. They tend to come from middle and upper class areas. A judge who comes from a working class area will usually move from it. This message must be reversed. Society is the poorer for the message that successful people cannot live in working class areas because they want to be with the big boys in Dublin 4 or some similar place. It is unfortunate that society has developed in this way, as it is not good.

We must support community projects. The Government must ensure the drugs task forces and community projects are properly funded. We have seen the massive effect of cutbacks in strong working class areas. There are several programmes for young people, many of whom are very vulnerable. The more we cut these programmes the more we are likely to have to deal with the young people concerned in the prison system. It is important, therefore, that the Government maintain investment in these projects, as any cutbacks will mean disaster for communities. We must follow up on the alcohol and drugs strategy and enshrine it in some

[Deputy Dessie Ellis.]

way. The work done by the drugs task forces across the country has been huge. I hope, therefore, that the Government will examine this issue.

Deputy Maureen O'Sullivan: With the permission of the House, I will share time with Deputies Seamus Healy, Thomas Pringle, Mattie McGrath and Clare Daly.

I acknowledge the work of the Oireachtas Library and Research Service in compiling a digest and information on the Bill. In that digest, I read that it is estimated that a community service order costs just over €4,000 per offender, while an alternative prison sentence costs approximately €27,000. Statistics from abroad seem to confirm this. In the United Kingdom it has been established that a community service order costs 5% of the total cost of keeping someone in prison for one year. The figure for New Zealand is also 5%. Even allowing for some adjustment in these figures, there is a very strong economic argument in favour of supporting community service instead of a custodial sentence of 12 months or less. A further point from the research is that short prison sentences are not a deterrent and do not contribute to rehabilitating the offender. This is due to the limited length of stay in prison because the prisoner does not have sufficient access to the services that could have an effect on rehabilitation. However, that presupposes that there are adequate services available in prison to play a role in rehabilitating prisoners and preventing recidivism. Where savings are made with the Bill, I hope they will go towards enhancing services and resources for prisoners in order that those serving longer sentences will have a real chance to turn their lives around. A considerable proportion of those in Mountjoy Prison come from certain parts of the constituency of Dublin Central which I represent. We know very well what contributes to these men and women being there. No sooner are they out than they are back again. That revolving door must be stopped, even if only for economic reasons.

I like the fact that the Bill compels judges to consider community service as a sentence in cases in which a sentence of 12 months or less is an option. Where this is being considered, notice must be given to the Probation Service which will create an assessment report for the court. This report is to be quite detailed and include information on the family and lifestyle of the offender, if there are addiction issues, the attitude of the offender and whether there is an acknowledgement of what he or she has done. The report must be created within 28 days, although this period can be extended. I acknowledge the work of probation officers. However, they are part of the public service and subject to redundancy plans. We cannot reduce their number if this work is to be done properly.

It is also significant that the Irish Penal Reform Trust welcomes this move, while making the point that community service orders are only used where an individual would otherwise receive a custodial sentence. The trust has been consistently calling for greater use of community sanctions when dealing with less serious offences. A community sanction means an offender will continue to work or stay in education and still be with his or her family or community. However, through community service offenders are being given an opportunity to make reparation and perform a service for the community, which is a much more positive step than languishing in an overcrowded prison. More important, community sanctions are demonstrably more effective, with lower levels of reoffending. There is evidence that sentences of less than one year do not work and I know there is a call from the Prison Governors Association in the United Kingdom that they be abolished.

Is community service intended to punish or to rehabilitate? In some countries, the focus of community service has been on educating offenders about the impact of his or her crime on the victim, on the community and on the offender. Some focus has been on the training of offenders in useful skills but central to community service is giving the offender the space to

see the harm caused and an opportunity to repair that harm. Community service cannot be a futile, meaningless task; it has to be meaningful, of real value and it must contribute to bringing about a change in behaviour.

I am disappointed to note the only review of community service in this country was carried out in 1999 and it was somewhat negative in saying it was not any more successful than prison in discouraging offenders from committing further crimes. However, more recent evidence from other countries is more positive. Community service seems most effective when the service enables the offender to gain new skills, where the work is of benefit and where there is significant contact between the offender and the community. It will be a challenge to find those services which will be most productive.

I regard community service as part of the system of restorative justice, something I would like to see being considered more. Restorative justice is a powerful tool when used to its optimum as it gives an opportunity for the victim, the offender and the community to meet, to discuss what has happened and the offender is expected to take steps to repair the harm. It is a positive development that the previous Minister for Justice, Equality and Law Reform, approved both the expansion of the Tallaght-based restorative justice service to the Criminal Court and the expansion of the Nenagh community reparation project. Community service is also part of the system of case management used by the Garda Síochána, the diversionary projects and in community sanctions.

I welcome this Bill but if it is to work in bringing about a change in behaviour it has to allow for well organised and meaningful work. I note the examples given by the Minister in his contribution. The bigger picture of prison reform was addressed by Deputy Ó Cuív. Too many people from the same backgrounds and addresses make up the prison population and this is at significant financial cost to the State and also at a significant personal cost to prisoners and their families.

Deputy Seamus Healy: I welcome and support the Bill in particular because of the savings that will arise from the implementation of its provisions. Deputy Maureen O'Sullivan has indicated some of the figures involved, with savings of between €4,000 and €27,000 and there is obviously a strong economic argument for the Bill.

I wish to focus on prevention as opposed to punishment. I regard social investment as being a very important factor in tackling crime. The prison population both in Ireland and world-wide is composed of an over-representation of some categories of people. It is noticeable that levels of education, health — in particular, mental health — poverty, substance addiction, are all factors. It is common that young offenders often come from a background in residential care. A number of issues need to be tackled if we are to deal with the question of crime. The saying that prevention is better than cure is true in this regard. Prevention is also significantly more cost effective. An American statistic which is probably also relevant to Ireland shows that every dollar provided for preschool care in the United States creates a saving of \$12.90.

The education sector is crucial and the proper funding of preschools in this country in order to give young people an early good chance in life is crucial for their future and for that of society. I refer to the importance of homework clubs, after school activities and support for weaker students in the education system by means of resource teachers and special needs assistants. Unfortunately, this area of education is falling victim to cuts and significant numbers of special needs assistants have lost their jobs over the past 12 months. This is continuing. It is a counter-productive policy from the point of view of education and of future financial savings.

Many members of the prison population seem to suffer health problems and mental health problems in particular. An early and thorough implementation of community-based health

[Deputy Seamus Healy.]

services provided for in the Vision for Change document is required. Other community services such as community halls and sports facilities are very important and there are not enough of them. I refer also to a need for more community gardaí as this scheme has been very successful but it is coming under significant pressure. I note that currently 21 superintendent posts are vacant. There have been nine resignations and retirements in the Clonmel district in the recent past and none of those posts have been filled. It is crucial that these posts are filled, in particular, with regard to crime prevention and community policing. The cutbacks and the moratorium on recruitment should be suspended with regard to the community Garda service.

Deputy Thomas Pringle: Like other speakers I welcome the Bill. It is a welcome move forward. Any legislation that will reduce the number of committals to prison will have a positive impact in communities and on the levels of recidivism within the criminal justice system.

There has been an increase of more than 35% in committals to prison in 2009. The number of three-month committals has increased by 63% from 2008 to 2009. The significant increase in the number of people being committed to prison is a very worrying trend and in many cases for quite minor offences which could be dealt with in a more effective way within the community.

The Bill provides a presumption against imprisonment for offences with sentences under 12 months. It has been suggested by the Irish Penal Reform Trust that judges should be forced to give a written reason for the decision to imprison upon conviction rather than imposing a community order. This would be an important provision which would lead to an understanding of the reasons a judge chooses committal to prison rather community service.

International statistics show that measures such as those contained in this Bill will have a significant value-for-money impact. The imprisonment of an offender has a significant cost to the Exchequer. The cost of using probation services is significantly less than the cost of prison. We must focus not only on the economics and value for money aspects of the criminal justice system, but also on the need to rehabilitate offenders. The Bill must strengthen the probation and welfare service to ensure rehabilitative measures are more effective. That the number of probation orders will increase as a result of this legislation is to be welcomed but the Bill will not achieve the desired rehabilitative effect if the probation and welfare service is unable to deal with the volume of cases coming before it.

It is vital that community service orders are used to require offenders to engage with local communities. This approach helps reduce recidivism. Too often, community service is done out of view of and without contact with members of local communities. It is important that offenders engage with their communities in order that they fully understand the reasons they have been convicted and become aware of the impact of their crime on their community. This type of engagement will reduce the number of offenders who re-offend. The Bill would be strengthened, therefore, if it included measures to ensure the probation and welfare service is in a position to provide the type of community service that results in proper rehabilitation of offenders and enables local communities to see the positive effects of rehabilitation.

Much of the increase in the number of prison committals is due to the knee-jerk reactions of legislators and the courts to public demand for stronger sentencing and more effective action to reduce crime. Committing people to prison for three months or more is counterproductive as it places the offender in contact with lifetime criminals and creates a vicious cycle of repeat offending. I ask the Minister to ensure the probation and welfare service is able to meet the additional demands that will be placed on it as a result of the enactment of this legislation.

While I do not have figures to hand, I understand many of the people in our prisons have been sentenced for non-payment of fines. It is counterproductive to put someone in jail for

two, three or four weeks for failing to pay a fine. Surely the Bill could be amended or new legislation introduced to allow community service to be extended to those who, for whatever reason, fail to pay fines. They should work to the benefit of their local community in recognition of the fact that they have received a conviction and fine.

I welcome the Bill and hope it progresses through the House and is enacted quickly.

Deputy Mattie McGrath: I welcome the Bill, which seeks to increase the use of community service orders in place of short-term custodial sentences, a move that has long been advocated by the Irish Penal Reform Trust. I was pleased the legislation was included in the programme for Government agreed between the two coalition parties. I also compliment the previous Minister for Justice and Law Reform, Mr. Dermot Ahern, and officials in his Department on the work they did on the Bill.

The legislation differs from the previous Criminal Justice (Community Service) (Amendment) Bill in respect of its definition of a short-term sentence. Extending the definition from six months to 12 months is an important change.

I compliment all those involved in the community service project in my adjoining constituency of north Tipperary, including the Department, community gardaí, the probation and welfare service and a number of community organisations which facilitate the project. The former Minister of State, Ms Máire Hootor, was supportive, active and enthusiastic about the project which is located in her home town of Nenagh.

The Bill, if passed, will bring more offenders within the scope of community service orders as it requires courts to consider the imposition of such an order where it would otherwise be of the opinion that a custodial sentence of up to 12 months would be appropriate in respect of the relevant offence. The previous Bill required such consideration only in respect of circumstances otherwise leading to imprisonment for up to six months. This is a welcome change given the unfortunate and substantial increase in the prison population.

We must radically change the way people are incarcerated and the rehabilitation measures or lack thereof in the prison system. As previous speakers noted, prisons often serve as universities of crime because prisoners learn new tricks of the trade, to put it mildly.

It is unfortunate that individuals involved in business who have been unable to meet their tax liabilities or pay fines have received custodial sentences. Given the serious economic downturn, many businesses, especially sole traders, are finding conditions difficult and falling into arrears. Many of them receive letters from Revenue threatening custodial sentences. Such cases merit community service orders rather than custodial sentences. Most of those involved are not criminals but hardworking people who have fallen into arrears for various reasons. While I do not condone the non-payment of tax, this issue must be addressed to ensure ordinary, decent hardworking people are no longer frightened by threats of custodial sentences. We must not criminalise such people, stifle their initiative or deter them from returning to business.

Custodial sentences have also been imposed on people who have defaulted on bank loans. While I compliment gardaí on the sensitivity it has shown in handling such cases in my constituency, they do not have leeway in such circumstances and must enforce committal orders. I understand that in such cases the individuals in question must serve the full sentence. In contrast, those who are imprisoned for crimes against the person and various heinous offences may be given early release. To make matters worse, persons who have defaulted and are sentenced to custodial sentences may be taken to court by a financial institution on their release with the result that they may serve another custodial sentence. Those who have been incarcerated for other crimes pay the price and, other than having a criminal record, they are no longer punished after their release and do not face the prospect of further custodial sentences for the

[Deputy Mattie McGrath.]

same offence. I am aware of cases in my constituency of young business people who were threatened with being brought before the courts again on their release from incarceration. I ask the Minister to address this matter because it is highly unfair.

I welcome the legislation as it will deliver cost savings. The cost of a prison place is substantial. While I do not condemn prison warders or the Prison Service as they do a hard job, the system is clearly not working and needs to be fixed. One of the positive aspect of community service is that it not necessary to interrupt an offender's education and employment while he or she is doing it. Many community organisations benefit from community service orders. They include tidy towns committees, therapeutical and creative groups and, in the case of my constituency, the Presentation Convent in Clonmel which operatives a successful and beneficial scheme. I look forward to the Minister's response.

Deputy Clare Daly: I welcome this Bill, which is a first step on the road that needs to be taken to radically overhaul sentencing policy. The only policy pursued in the past decade or more has been one of penal expansionism. In the past 15 years, we have seen the number of prison places increase by more than 1,900 and the largest prison building programme in the history of the State. Despite these measures, overcrowding continues. Have additional places and prison overcrowding made society a better place, protected victims of crime in any way or reduced reoffending among those who have been incarcerated? All of the evidence suggests it has not done those things. Not only has the policy that has been employed not worked but, as other Deputies have said, it has been pursued at an enormous cost to the State and the individuals who have interacted with the system. As a necessary and important first step, therefore, we should provide for an obligation to consider community service as an alternative to sentences of less than 12 months.

I have seen figures that show there has been an increase in committals of less than three months. In 2009, almost 6,000 people were given such sentences, which have been proven to be ineffective. In the same year, some 3,601 people — approximately one third of the prison population — were given such sentences or committals following road traffic accidents. It is obvious that this situation is ridiculous. This new policy will help to reduce some of those figures.

I want to make to a few points about the importance of this Bill for women. In general, women find themselves in prison as a result of poverty, drugs or abuse. As their crimes tend to be non-violent, they pose a lower risk to society. We need to consider the disruption and distress that is caused when women are removed from their families, including their children. That adds to the likelihood that certain problems will increase in the future. If one examines Irish sentencing history, one will learn that it used to be unusual for women to end up in prison. Until the 1980s, the usual number of women in prison in Ireland was just three or four. The number rarely reached double digits. That was more appropriate. Given the nature of the crimes for which most women are imprisoned, I suggest the imposition of custodial sentences should be an exception.

It is appalling that the women's prison in Limerick is proportionately the most overcrowded prison in this country. Although there are just ten places in the prison, I understand that 20 women regularly have to share the space. There have been many instances of 30 women having to live in that environment. The Dóchas Centre came to prominence last year when its governor, Kathleen McMahon, resigned. She said it was "impossible" for her to continue because of the overcrowding that existed at the prison. The Dóchas Centre was supposed to be a model of new thinking but instead is accommodating 140 women in a space that is supposed to accommodate 85.

I spent a month in the Dóchas Centre prior to the reports of overcrowding and before the introduction of the current practices of confining women to such small places, doubling-up and stopping some prisoners from making telephone calls to their families and children at home. Every parent is familiar with the difficulties that have to be dealt with as we try to do our best for them. We are storing up huge problems for the future by cutting people off from their children and not allowing them to make telephone calls to touch base. I do not think it is an appropriate approach. As the prison sentences given to women tend to be shorter, which is a reflection of the nature of the crimes for which they are imprisoned, it is likely that this Bill will disproportionately benefit women. It is positive, in that sense, and I hope that is what happens. However, it needs to be seen in the context of the need for a broader independent review of custodial sentencing policy, particularly with regard to women.

I would like to mention some important figures which are a little old. In 2005, the Central Mental Hospital reported that 60% of women in prison had mental health problems and 16% had seriously depressive conditions. We need to invest in services for such people in deprived communities, where many of those who end up in prison come from. Funding is needed to combat violence against women, abuse and all of the circumstances that lead to people being incarcerated. I emphasise that the economic policies being pursued by the Government are part of the problem. They will bring about more poverty and ultimately result in more people ending up in prison. We need a broader review.

I want to make two brief points about community service. It is important that people are given a chance to repay society and to understand the negative impact of the activities in which they have engaged. Community service can be an important addition to the community. We have to be careful to ensure it is not used to undermine real and proper jobs. It should be used to assist the voluntary sector. Those who are required to undertake community service can do important work. It has to be financed. The probation budget is minuscule by comparison with the overall budget in this area. Just €2.5 million of the overall budget of €50 million goes to community service. Everyone has expressed verbal support for this proposal, but if we are to give it the backing it needs, we need to provide the necessary funds to make it a reality. I would like the Minister to address some of the points I have made.

Deputy Tom Barry: I would like to share time with Deputies Doyle and McHugh.

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

Deputy Tom Barry: I congratulate the new Minister, Deputy Shatter, on the first Bill he has brought before the House since he was appointed. As this is my first time to address the Dáil, I would like to thank everyone who worked with me during the recent election for their hard work and their faith in my ability to represent them. I thank the electorate of Cork East for putting their trust in me. I will contribute as best I can to debates on all the issues and challenges we face, both locally and nationally. I particularly thank the residents of my home village of Killavullen, which is probably dear to the hearts of some Deputies as the birth place of Hennessy brandy.

This Bill makes minor amendments and is not a major legislative departure. Crucially, however, it encourages the Judiciary, where the conditions are right, to consider firstly the under-utilised and cost-effective option of community service, which has the potential to improve our society and reduce recidivism. The Irish Penal Reform Trust has established that in 2009, the cost of a staffed prison space was €77,222, or €1,485 a week. Based on 2008 figures, the average cost of giving a community service order to the same offender is €2,500. In 2009, a value for money and policy review found that community service supervisors are currently

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not operating at full capacity and could accommodate a threefold increase in the number of offenders. We have to address such inefficiencies.

Another potential significant benefit of this legislation is that it may lead to a reduction in the number of people in prison. In April 2010, overcrowding in our prisons reached such a level that more than 800 inmates were freed. There was insufficient space to contain them. The Irish Prison Service has reported that 40% of those in Irish prisons on 4 December 2009 had been committed for offences against poverty and without violence and 17% had been committed for road traffic offences. Potentially, therefore, over half of the prison population does not need to be behind bars. Between 2004 and 2009, the imposition of sentences of between six and 12 months increased by 52.6%, the imposition of sentences of between three and six months increased by almost 60% and the imposition of sentences of three months and under increased by an incredible 187%.

Just 28 courts in this State are responsible for 80% of the community service orders that are imposed. That is an indication of the extent to which this alternative is under-utilised. In other jurisdictions, such as New Zealand and Scotland, consideration must be given to community service, fines and compensation before imprisonment is contemplated. Imprisonment is currently the default sentence in Ireland and community service is a discretionary alternative. It is hoped that this Bill will help to change that mindset. In the first instance, it will save us money. We cannot continue to send people to prison for minor theft offences, non-payment of fines and other lesser, non-violent crimes. It is simply a waste of money and does little to reduce our overall crime rate figures. The Irish Penal Reform Trust in welcoming the Bill argues that community service allows offenders to remain in work or education, maintain family and community connections and provides a form of reparation and compensation for both victims and communities. If somebody steals from my business premises, am I better served if they serve an expensive prison sentence and become further alienated from society or if they actively improve our environment? In particular, the issue of imprisonment for non-payment of fines can be addressed through the implementation of the Bill.

Section 18 of the Fines Act 2010, amending the Act of 1982, provides that those who are unable to pay a court-sanctioned fine by due date could be considered for community service order. Now, under the terms of this legislation, these people must first be considered for a community service order before imprisonment can be considered. This is a vital step in the right direction for the citizens of this country, who are rightly angry at the imposition of prison sentences on their friends, family and neighbours, who are crippled financially through no fault of their own.

Finally, if community service is to be used more often, and extra people are to be channelled towards this route, it is imperative the work allocated to people is worthwhile, both to the individual and the State. Historical statistics of particular socio-economic groups being unable to pay fines may not tell the true story from now on, as financial hardship has hit virtually every family and small business in the State. The challenge now is to allocate as appropriately as possible the skills and interests of offenders to the community service work — we must match the skills to the task. Community service has the potential to highlight to many offenders the value of community and civic spirit, and it can address the problem of detachment from society.

I welcome what is a good Bill which moves with the times. I look forward to seeing it implemented in the spirit in which it has been introduced.

An Leas-Cheann Comhairle: I congratulate Deputy Barry on his first address to the House. I call Deputy Joe McHugh.

Deputy Joe McHugh: I join my colleague in congratulating the Minister, Deputy Alan Shatter, who will be very proactive and hands-on, as is needed. We must realise the deep challenge posed to us by the public to have a more proactive and interactive Dáil and Deputy Shatter is a Minister who will take on board many points of view and observations from both sides of the House.

On the Bill, I am confident the community service orders that will be introduced by different judges will be creative and will add value to communities. We must be cognisant that many laws already introduced are not being implemented or taken on board by many judges. While many of these laws are discretionary, at the same time, we should consider a full appraisal of the existing laws. Having spoken to many gardaí, I find there is anecdotal evidence that a large number of offences involve repeat offenders and that the vast majority of those arrested are out on bail. We should have a full catalogue and itinerary to find out exactly where the problems arise. To take the incidence of burglary, one arrest of a repeat offender in a particular area can result in a vast reduction in the statistics with respect to burglary, so it is an issue on which we need to focus. We must also consider a tightened regime with regard to previous convictions.

With regard to the issue of the caution, following an arrest, a garda will explain to the arrested person that anything said by that person will be taken down in writing. Given the week that is in it, this is a good time to raise the issue of tape recording in custody. At present, there is the archaic situation whereby gardaí must write down everything said while the interview is simultaneously tape recorded. Much time is taken up with respect to the interview and this is not just one-way traffic as we must also consider the extended length of time the arrested person spends being interviewed because everything must be written down. While I am sure the Minister has considered the issue, we should look to the experience in the United Kingdom, where an administrator — a typist — listens to the tape after the interview and prepares a transcript. The current situation is contributing to a zero flow in the progress of interviews, which allows the arrested person to think of different ways to avoid the questions.

Too much Garda time is spent on administration. If we want to focus on prevention, we must consider visibility and the amount of Garda time spent in the community, in households, meeting the people and understanding the needs of the community. Gardaí will not achieve this by being stuck in Garda headquarters filling out forms, which is where they spend most time at present. I accept we live in a heavily administered era, and these are the challenges the Government and the Minister, Deputy Shatter, will tackle into the future.

My own background is in the area of youth work and as a secondary school teacher. In the area of prevention, we should examine our vast resources in terms of primary and secondary school buildings that are vacant after 3 p.m. or 4 p.m. Many community groups are fighting a battle to raise revenue to build, heat, furnish or equip their premises while we have warm primary and secondary school buildings which are vacant from mid-afternoon. We should consider a more synchronised and deeper collaboration between the formal and the informal sector, whereby we can get people engaged in, for example, constructive after-school homework or involvement in the community, and can employ the voluntary sector to the best of its ability in these settings. We should have a more robust debate with boards of management and the Department of Education and Skills in terms of preventative care.

Deputy Andrew Doyle: I congratulate the Leas-Cheann Comhairle on his appointment and I commend the Minister, Deputy Alan Shatter, for introducing this enabling Bill.

We inherited a Victorian criminal justice system which locked up debtors for non-payment of rent and deported them to Australia and other far-flung fields, although, gladly, we have moved on from that. A custodial sentence is meant to put in prison those who are a danger to

[Deputy Andrew Doyle.]

society and those who need imprisonment to experience punishment for the crime they have committed and to be rehabilitated. What has been happening is that, due to overcrowding in the prison system, which has been acknowledged by other speakers, nothing functions properly and resources and staff are stretched. Those working in the Prison Service are not unwilling but unable to carry out the duties of proper rehabilitation and prison reform. To introduce a realistic community service provision to the system, and ensure judges in court have an obligation to consider this in the first instance before considering a custodial sentence, is welcome.

The New Zealand figures are interesting in that over 26,000 people there are at any time serving community service orders whereas some 7,500 are serving custodial sentences. As Deputy McHugh said, the default position should not be to imprison people.

The role of the probation and welfare service, in conjunction with community service providers including FÁS, local authorities and community groups, is important in matching offenders with a role that will benefit them by allowing them to make amends for their offence and to learn to appreciate its impact, with a view to ensuring they will not re-offend. At the same time it will ensure there is some benefit to society and to local communities.

While the cost benefit analysis indicates savings will certainly be made, all this means is that scarce resources can be more effectively allocated. Money saved by placing offenders on community service rather than in prison does not necessarily mean there will be money to spend in other areas of the public service; that money will be used in the Prison Service to improve services for prisoners. We must be cautious of having an expectation of cost savings at the end of the year — the reality is that the money will be required, and will be put to better use, elsewhere in the justice system. We must review the resources of the probation and welfare service with a view to reallocating some of them in order to enhance the broader services it provides.

Some 20% of people committed to prison end up there because they have not paid fines. Many of these people require assistance rather than rehabilitation and are mortified and humiliated to have received a prison sentence. For that cohort community service would be a much more appropriate penalty. Repeat perpetrators of other crimes are a different matter and are part of the revolving door phenomenon. A person who is sentenced to less than 12 months for a petty crime knows that because of overcrowding in the system they will serve no more than two or three weeks. In such cases a community service order that will apply for 12 months may be more of a deterrent than a very short prison sentence.

As well as being more cost effective community service may also be more successful in rehabilitating offenders. Such offenders are often unaware of the impact of their actions on others and confronting that reality may cause them to reconsider their activities and avoid re-offending. It is a win-win situation. The community benefits, offenders benefit, and prisoners and those who work with them also benefit because they will enjoy increased resources.

It is welcome that we have, in the first month of the new Government, at least one Bill that has broad acceptance across the Chamber. That is heartening. It is enabling legislation which may not be of major concern to many people but is nevertheless important. I wish those who will be involved in its implementation well and I wish the Minister well. As Deputy McHugh said, he is taking a hands-on approach and is getting stuck into the work. There is plenty to do. We have a Prison Service that is overwhelmed and archaic and this is an important step in addressing that.

Deputy John Browne: I propose to share time with Deputy Cowen.

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

Deputy John Browne: I welcome the Bill and thank the Minister for introducing it. It is almost identical to a Bill published less than three months ago by Fianna Fáil. However, what is important is that the Minister has brought the legislation before the House so we can debate its provisions. It represents a commonsense approach to dealing with offenders in our prison system. The Bill makes it mandatory for judges to consider imposing community service on offenders who would otherwise face up to 12 months in prison. I welcome the extension from six to 12 months as it means more offences will be covered.

Community service orders apply to relatively minor crimes such as traffic offences, vandalism and non-payment of fines. Some people may be concerned that the Bill indicates we are going soft on crime, but that is not the case. Rather, it allows us to deal in a smarter way with crime and will not affect how the State deals with serious offenders. Fianna Fáil in government has already introduced the ground-breaking Criminal Justice (Amendment) Act 2009 to clamp down on serious and violent criminals.

The benefits of the legislation before us are manifold. Above all, it will encourage greater use of community service. A value for money and policy review of the community service scheme published in October 2009 recommended that offenders found guilty of minor offences are generally suitable for community service. At present fewer than 30 courts in the State are responsible for some 80% of community orders issued — perhaps the Minister will explain why that is so. The prevalence of such orders seems to vary from area to area. In Wexford, for example, judges have from time to time implemented community service orders and that has worked well for minor offences. The Bill encourages judges at least to consider the use of community service.

Another obvious benefit of this provision is that it will provide unpaid work by offenders to community groups. In many cases such work might not otherwise be carried out particularly in current circumstances where clubs and organisations are finding it difficult to get sponsorship and raise funding. Those who are ordered to do community service will engage in a broad range of tasks such as landscaping, painting, decorating, repairs and renovations. They may also provide support to sports clubs and schools in local communities. I was critical of the last Government when sports funding was largely withdrawn in recent years. If the Minister has any influence in this regard I ask that he urge it be included for consideration in the budget. Sports funding is of vital importance to community groups and sporting organisations throughout the State in providing facilities for young people. It is important that this support should continue. Most community centres and sports organisations could do with additional support at this time.

It makes sense for someone who is guilty of a minor offence to undertake work in the community rather than sitting in prison. That is the spirit of the legislation. I understand that in Edinburgh more than 1,450 hours of snow clearing were carried out by offenders on community service during the recent severe weather. We had the same problem in this country last winter and it is an area where community service could be very useful. There are several situations in which offenders on community service could provide an invaluable service.

We may need to spell out to judges the benefits of an increased imposition of community service orders. Although judges are independent of this House, there is an opportunity for them to adopt a commonsense attitude in this matter, particularly when dealing with young people. I have always held the view that the Judiciary is sometimes out of touch with reality, especially in the case of some of the fines its members have imposed. For instance, an unemployed person who has not paid his or her motor tax has no hope of paying a fine of IR£500 or €500. Garda time is taken up in calling out to the person's home, issuing warnings after second and third chances have been expended and ultimately placing the person in Mountjoy

[Deputy John Browne.]

Prison, Shelton Abbey in Arklow or Portlaoise Prison. It has happened many times that two gardaí in a hired car have been obliged to collect such a person to be brought to prison at an enormous cost to the State. Thereafter, Mr. John Lonergan or whatever prison governor was in charge usually would have allowed the person concerned to return home within a couple of days. It made no sense whatever to place such a burden on taxpayers. That is the reason I welcome the Bill which will perform a useful function in this regard.

As many Members have noted, it is important to remember that running a prison is a costly business. It is also a source of concern that prison numbers appear to be increasing rapidly and the Minister is correct to try to deal with this issue. A community service order costs €4,000 per offender, while I am told the cost in respect of a prison charge is approximately €30,000. While I do not know whether these figures are precise, they frequently appear in the newspapers. Moreover, the value for money report provided interesting food for thought. It found that had 10% of those prisoners sentenced in 2009 been given community service orders instead, it would have saved the Exchequer between €15 million and €20 million. Perhaps the Minister might confirm whether this is the case.

The major discrepancy between the cost of sending someone to prison and issuing a community service order is supported by international evidence. In the United Kingdom it is estimated that the cost of a community service order is 5% of the total cost of keeping someone in prison for one year, while the comparable figure in New Zealand is just 2%. In the light of the recent adjustments to social welfare rates and other necessary budget cuts, it simply is not justifiable to pay €30,000 to keep behind bars those persons who have committed minor offences. In addition, all Members have evidence of cases in which young people who are committed to prison, even for short periods between one and six months, usually emerge as hardened criminals on their release. This is because they learn all the wrong lessons from hardened criminals in prison. This has been the source of considerable concern for some time and warrants examination. There is no point in committing young people to prison only to find that they will become a constant scourge on society on their release because of the wrong lessons they learn while in prison. For this reason, it is important to take the road outlined in the Bill which provides for young offenders, in particular, to perform community work.

While probation officers do an excellent job in so far as possible, there is always a scarcity of such officers. Where will the requisite increase in their number fit into the Bill or is that a matter for another Department? I seek the Minister's views in this regard. The probation officers who operate in the south east undoubtedly do an excellent job. They try to ensure offenders, particularly young offenders, are rehabilitated back into normal society. It is important to take this approach because it is not good for society to have people continually in and out of prison, engaging in robberies, crime or law-breaking on a regular basis. While it is not good for the family of the person in prison, it certainly is not good for the community in general. It will be important to marry the Bill and the manner in which the issue of probation officers is dealt with.

I thank the Minister for introducing the Bill so soon after his assumption of office. It will be welcomed by the community in general which has nothing to fear from it. It provides an opportunity for young people to perform community work instead of going to prison only to learn all of the things they should not. In addition, it gives communities an opportunity to avail of unpaid work by the young people concerned. I know of two recent instances in Wexford in which young people were given such a sentence and it worked very well. One of them was involved in the local GAA club where he carried out his 200 hours of community service. The club certainly gave a glowing account of him from the day he arrived until the day he finished. I understand he worked one day a week for three or four months and that he became deeply

involved in the club thereafter. He is now one of the pillars of both the club and the community. This proves that such sentences work. I again welcome the introduction of the Bill in the House.

Deputy Barry Cowen: I thank my colleague, Deputy Browne, for sharing time with me. As he and many others speakers have noted, a very similar Bill was before the House in January. It obviously did not reach Second Stage because of the subsequent dissolution of the Dáil. This Bill is almost identical to it, the single exception being a change in the length of prison sentence in respect of which the Judiciary must consider community service from six months to 12. This means the courts will be obliged to consider community service as an option in the case of a greater number of offences.

Community service orders will obviously benefit both the offender and the community. Many speakers have referred to the benefits that can accrue to the community in the form of landscaping, painting and decorating, repairs and so forth. Deputy Browne has outlined the great benefits such an order can have for both the offender and the community or, in the example he mentioned, the local GAA club. This can be replicated throughout the community in various clubs, organisations, associations, initiatives and programmes. This can only be welcomed.

Although this does not necessarily interfere with judges' independence, the Bill requires them to consider the making of community service orders. I ask the Minister to consider adding to this requirement by specifying that, in the event that a judge does not acquiesce to the Bill's intent, he or she may offer in writing the reason in a particular instance an order was not put in place. This could be of help to the Minister and his departmental officials in the evaluation of the success or otherwise of this initiative in the coming years. It would also allow the Minister and his officials to make improvements, where necessary, where they become apparent by virtue of the various cases in which judges did not see fit to put community service orders in place.

As for costs and the much quoted value for money and policy review of the community service scheme of 2009 which I presume was carried out in preparation for this Bill, it is estimated that the cost of a community service order is approximately €4,300, as opposed to the cost of a prison sentence of more than €27,000. This constitutes a huge variation and difference. While this or any such legislation should not and cannot be based solely on cost, it must be a serious consideration, especially in the current climate. Moreover, based on the success experienced in other countries in this regard, the cost savings and value for money achieved for many years thereafter are even greater. This has been shown by many speakers in the comparisons of the successes experienced in other countries.

Earlier this week the Minister mentioned his great shock and the awe he felt in consideration of the cost of the new prison and so forth. Schemes such as this, as well as many more innovative measures that I am sure the Minister will bring to bear based on his experience in this sector, can bring about further savings and alternatives to what has become the historic norm. Having been an esteemed Member of the House and involved in this area for many years, the Minister can have the impact he seeks as the expertise he can bring to bear should bear fruit. I wish him well in this regard and I am sure he will have the support of other Members who have spoken about the thrust of the Bill.

As for the aforementioned costs, Deputy Browne noted the savings that could have been made in 2009 alone in respect of those sentenced to six months or less. Were there to be a similar correlation in the context of the provisions of this Bill, there would be further savings of between €14 million and €17 million.

The main benefits to offenders include the ability to remain in education, if applicable, the ability to remain part of their families and communities and the ability to make amends for their actions.

[Deputy Barry Cowen.]

I will use this opportunity to ask the Minister a question about an issue I encountered while canvassing during the general election. A young lady who was studying nursing became involved in a minor altercation and received a suspended sentence for her part in it. Thereafter, she was not allowed to continue pursuing her lifelong ambition. It is unfortunate that there is no recourse to legislation in such instances. I am not a legal brain, but is it possible for a person to apply to the courts for a retrospective community service order to repay his or her debt to society in a case involving a misdemeanour? In the example I have given this would allow someone who was lucky enough to obtain a place to pursue a great vocation.

The Bill positively addresses a serious issue for society, namely, overcrowding in prisons. In preparing for this debate I read the comments of various interested parties. The former Governor of Mountjoy Prison, Mr. John Lonergan, stated overcrowding was the most pressing issue in the whole prison system. He went on to state: "As a first step in dealing with overcrowding, one of the first priorities must be to stop using prison for short-term sentences." This Bill, as instigated by the previous Government, is the first step along that road. Like Deputies on all sides of the House, I am glad the Minister has introduced it so quickly and wishes to make a positive impact on figures that are both depressing and a significant cost burden on our finances and society.

Other countries have taken the course of action proposed in the Bill and seen ample positive outcomes and much support for the positive impact on their societies. We wish to replicate their success in this jurisdiction. In England and Wales the move away from short sentences has been publicly supported by the Prison Governors Association. According to the reconviction figures, 15% fewer of those issued with community service orders reoffend compared with those who have received custodial sentences. This is a further reason for us to accept and commend the Bill. In 2007 a milestone was reached in Scotland when the number of community service orders exceeded the number of prison sentences handed down by the courts.

This Bill is what one might call a no brainer. It has the ability to affect the offender, the community, the public purse and society positively. I congratulate the Minister on introducing it so quickly. Of 20 Bills, it is one of 17 that Fianna Fáil originally introduced in government. Apart from that political kick, I commend the Minister, the Bill and the increase in the length of sentence from six to 12 months. Will the Minister address the two issues I have raised via amendments to the Bill?

Deputy Bernard J. Durkan: This legislation provides an important alternative to a custodial sentence. I congratulate the Minister and everyone associated with introducing it in the House.

As others have stated, we need to address a number of issues. In some quarters it is deemed that repeat offences bring nothing more than repeat sentences with no benefit to the individual or society. It is an expensive way of dealing with what we like to call minor offences. Unfortunately, growing contempt has been generated by the amount of coverage given to those who appear before the courts for serious and sometimes minor offences. Of course, that is the purpose of the exercise. While the instances of contempt are less common now than they used to be, a couple of years ago people charged with various offences believed it to be their prerogative when appearing before a court to give a sign of contempt to the waiting press and, via that medium, the general public and the Judiciary. Some means must be found to bring it to their attention that they cannot offend repeatedly and hope to get away with it.

Issues arise from anti-social behaviour, about which there have been numerous complaints across the country, albeit mostly in urban areas. However, nothing seems to have been able to combat it and those who have been censured have regarded it as a badge of honour.

In the context of this legislation, we need to bear a number of issues in mind. Careful consideration needs to be given to the type of individual referred for the making of community service orders. For example, it is important that people pay their obligatory television licence fee. However, in the current climate doing so is difficult for some households. How do we encourage compliance in this regard? Provision has been made for the making of instalment payments, etc., but there will always be the odd exception. I hope a person who is not a repeat offender and may, through no fault of his or her own, find himself or herself in a situation that warrants the handing down of a short sentence in lieu of a payment will not be unfairly treated under the proposals contained in the Bill or another system. In many cases, the individuals concerned are not repeat offenders. Will the Minister refer to this matter? A repeat offender is different from the individual who, for reasons beyond his or her control, must serve a jail sentence in the absence of a community service order.

Regard must be had for the nature of an offence, its cause and impact on the offended, be it the State, the community or an individual. Someone subject to a community service order for what could be deemed in some quarters as a personal offence might come into continual contact with the offended person. I understand the Bill covers such a situation. If I am wrong, I hope something will be done to address the matter. In the course of the current debate I hope we can have a general review of our plans for sentencing in combating minor crime, which can ultimately become more serious. The Leas-Cheann Comhairle is looking at me attentively and I suspect I will have to conclude.

An Leas-Cheann Comhairle: The Deputy is in full flow.

Deputy Bernard J. Durkan: I am only revving my engine.

An Leas-Cheann Comhairle: As it is now 1.30 p.m. we must move to the next business.

Debate adjourned.

Suicide Prevention: Statements

Minister of State at the Department of Health and Children (Deputy Kathleen Lynch): Any chance in public life to speak about suicide should be taken and I am grateful for today's opportunity. As Minister of State with responsibility for mental health my priority will be to further advance the implementation of A Vision for Change, an excellent strategy which must be driven forward, and Reach Out, the national strategy for action on suicide prevention. Both strategies clearly identify the need to build resilience, support the development of services and programmes for unemployed people and to reduce the risk of engaging in suicidal behaviour.

The number of deaths by suicide fell steadily from 497 in 2003 to 458 in 2007. However, the recently published CSO vital statistics for 2008 reported that there were 506 suicides for that year, an increase of 10.5% over 2007. The provisional figures available for 2009 indicate a further increase of 4% to 527, the highest level of suicide deaths ever recorded in this country. This would appear to indicate that a new higher level of suicides now pertains and shows just how big a challenge we face. The increase is mainly in men in the middle age group. However, we are also seeing a rise in the number of women dying by suicide, although the numbers are still significantly lower than in men.

Deaths by suicide have a devastating effect not just on close family and friends but on the wider community. These deaths are even more tragic because we know they are preventable. We all ask the question "why" and wonder what we could have done to prevent such a tragedy. Undoubtedly, the current economic position is having an effect on people's mental health and well-being. The impact of unemployment and the strain of financial difficulties on physical and

[Deputy Kathleen Lynch.]

mental health are well known. Following job loss, people report higher levels of stress, depression and anger. The loss of personal control and self-esteem makes it more difficult at times to keep in contact with friends and colleagues.

In this regard, the HSE's national office for suicide prevention, NOSP, has launched a "tough economic times" programme following requests from organisations such as Citizens Information and the Money Advice and Budgeting Service, MABS, for information and training because of the increasing numbers of people presenting in distress. Some 150,000 information leaflets highlighting the practical actions we can take to protect our mental health were produced for the public, as well as a guidance book for organisations which advises how to prepare staff to recognise and respond to suicidal behaviours. Farmers' marts were also targeted with information, as well as events such as the ploughing championships.

The increasing number of deaths by suicide is of great concern. As the recently appointed Minister of State with responsibility for mental health, I intend to work with the HSE and voluntary agencies to introduce initiatives to counteract this worrying trend. By harnessing our resources and our commitment, we can make a difference and reduce the number of suicides and suicide's devastating effects on individuals and on communities. We must work more closely together. As a first step we must ensure that we avoid duplication of services and suicide prevention initiatives. This will help us get better value for the money that is available to us and make sure that we maximise our effectiveness.

Mental health promotion is of course a key component of any suicide prevention strategy. We must make people aware and encourage them to look after their mental health in the same way as they look after their physical health. We should promote resilience and encourage people to develop coping strategies, and in particular ensure people learn to recognise when professional help is required.

See Change is the national stigma reduction campaign launched by my predecessor, former Deputy John Moloney, and I pay tribute to him for the work in this area. It will continue in 2011 with the vision that every person in Ireland can be open and positive about their own and others' mental health. The strategy is working to change attitudes to mental health in towns all over Ireland through public events, arts and cultural initiatives, personal stories and testimonies, training and education and innovative partnerships with organisations that share a positive attitude towards mental health. As part of this campaign, See Change is developing the Make a Ripple campaign with the objective of recruiting a dedicated on-line community of ambassadors, advocates, storytellers and volunteers who can help to push the campaign's objectives and messages on to the national agenda. This campaign will contribute to eliminating the stigma so often associated with mental illness and I am very happy to lend my support to it.

A number of suicide prevention initiatives have been progressed in recent years, including the development and implementation of national training programmes. Since 2004, approximately 22,500 people have been trained in the 2 day ASIST — applied suicide intervention skills training — and 3,000 people in Safetalk, a half-day training programme that prepares anyone over the age of 15 to identify persons with thoughts of suicide and connect them to suicide first aid resources. ASIST is an internationally recognised two-day workshop which trains participants to reduce the immediate risk of a suicide and increase the support for a person at risk. The training is provided to health workers, organisations such as MABS, gardaí, defence forces, veterinary organisation, teachers, community workers, youth workers, volunteers and to people responding to family, friends and co-workers.

A national media monitoring programme — Headline — was introduced to promote responsible and accurate coverage of mental health and suicide-related issues within the Irish media.

Headline aims to highlight mental health issues and address the stigma attached to emotional distress, suicidal behaviour and mental illness through the promotion of responsible media coverage. This year, the national office for suicide prevention is working to progress a more unified and consistent response to self-harm presentations in accident and emergency departments. This will include the development of clinical guidelines and the allocation of specialist staff to work with hospital emergency departments.

An evaluation will be carried out this year on two self-harm early intervention and referral services from primary care which are being piloted in south Dublin and Wexford. Support will continue for voluntary organisations working in the field of suicide prevention. Mental health awareness campaigns have been developed and will run again this year, including the Your Mental Health awareness campaign and the Let Someone Know campaign aimed at young people.

The total annual funding available to support suicide prevention initiatives is in the region of €8.7 million. This includes the annual budget of €4.2 million for the NOSP and an additional €1 million provided for 2011 to enable the office to build on initiatives to date and bring added momentum and new impetus to the activities to address the increasing incidence of suicide. The balance of funding of €4.5 million is used to fund resource officers for suicide prevention, self-harm nurses in hospital emergency departments and the development of local suicide prevention initiatives.

During 2011, the national office for suicide prevention will continue to develop both the number and range of training and awareness programmes, including the ASIST programme, to reach the most vulnerable in our communities. It will also improve and standardise the response to deliberate self harm presentations; develop the capacity of primary care to respond to suicidal behaviour and consider new models of response; and ensure that helpline supports for those in emotional distress are coordinated and widely publicised. Within each of these four areas an emphasis will be placed on the most vulnerable groups identified in Reach Out and more recent research.

Against a background of increasing numbers of presentations of self harm to our hospital emergency departments and a significant increase in suicides in recent years, it is important that we co-ordinate and improve our response to people in crisis at this time. The European Commission has reserved the number 116123 for emotional support helplines. This helpline will enable callers to benefit from a genuine human relationship based on non-judgmental listening, and will offer emotional support to callers who suffer from loneliness, are in a state of psychological crisis or are contemplating suicide. I recently had discussions with my colleague, the Minister for Communications, Energy and Natural Resources, Deputy Rabbitte, in regard to the provision of a national freephone telephone helpline and I will meet with the relevant telecommunication providers in the near future to progress this proposal.

I acknowledge there is a great deal of commitment in many sectors to tackle this serious health and social issue. As policy makers and service providers, we must all work together more effectively than ever to identify people at risk and must put services in place to provide the help and support they need. This House can be assured of the Government's unwavering commitment to improving our mental health services and of our response to the increasing level of suicides in the country.

Suicide and suicide prevention are issues for all of us. No single Government — not the last one, this one or the next one — can do this on its own. It is about every one of us being conscious when we meet people of the difficulties in which they may find themselves, being able to spot that and be aware. For that reason, I believe the programme Assist is essential. It trains people to be conscious of these difficulties and about where to direct them. Training

[Deputy Kathleen Lynch.]

young people in this area will probably save more lives than all the other steps put together. That is why we are so committed to it.

Deputy Seán Ó Fearghail: I congratulate the Minister of State, Deputy Kathleen Lynch, on her appointment to the Department. In her years in this House she has been one of a number of Members who have demonstrated a clear and genuine commitment to the area of disability and mental health issues. I agree with the point she made at the outset, that this is an area where we need to build consensus across the political divide. In the Joint Committee on Health and Children, of which she, Deputy Neville and I were privileged to be members in the last Dáil, this was an area where consensus existed. We should not lose that and must build on it.

In this House we have spent hours discussing the banks and the financial crisis which is, of course, both worthwhile and necessary. However, there is a human side to the recession which is entirely tangible. Suicide rates have increased and for people touched by such a tragedy its effects will stay with them for much longer than will those of the financial crisis. That is why it is imperative that suicide prevention remains a key pillar of public health policy

Most of us know a person who has died by suicide or we have a friend or relative who has lost someone close to them by suicide. Recently, at a very small social event in my constituency, I looked around and was conscious there were three families present who had lost young sons through suicide. In the past week in my constituency clinics I met two families in which two members of the same family had been lost. For those left behind there is sometimes guilt, always anguish and, in many instances, very many unanswered questions.

People take their own lives for many reasons but they do so because they are in intense pain and they want that pain to stop. There are a number of myths current about suicide that need to be dispelled. These include the idea that if someone wants to take his or her life there is nothing that can be done. Research clearly shows that medical assistance and professional intervention can help those in crisis and can deter them from taking their own life.

Another myth is that if a person develops suicidal tendencies he or she will forever be suicidal. That is not true. Many people take their own lives on impulse and suicidal feelings can be short lived. The EU consensus paper on prevention of depression and suicide states that, “adequate treatment of major mental disorders ... decreases the risk of suicide and is an effective way to prevent suicide in healthcare”. Those struggling with depression and anxiety sometimes feel that their death would bring relief for themselves and their loved ones. Nothing could be further from the truth. Suicide is the ultimate waste of precious human life. The bereavement it causes shatters the lives of those left behind.

Suicide is a massive public health issue throughout the world. Globally, a person dies from suicide every 40 seconds. The National Office for Suicide Prevention has not released statistics for last year but we know that, officially, 527 people took their own lives in 2009, an increase of 24% on the previous year. It is probably reasonable to assume an increase will be recorded in 2010, given the impact the financial crisis has had on people and also because of the impact of pervasive negativity in many elements of the national media on people in their day to day lives.

In 2009, 78% of those who died by suicide were male. Although Ireland has the sixth-lowest rate of suicide in the EU among its total population we have the fourth-highest rate of youth suicide in the EU, behind Lithuania, Finland and Estonia. Young men between the ages of 16 and 34 are the highest risk category and this is deeply worrying.

Contrary to many people's perceptions, depression is a very common condition that affects one in ten people at any one time. It does not discriminate in age, gender or background.

Depression impacts how a person thinks and feels as well as on energy and behaviour. It can have a dramatic affect on a person's home and working life and personal productivity. Many people who experience a period of depression will get the help and support they need and will move on with their lives. Others feel isolated, do not discuss their problems with anybody and cannot imagine ever feeling better again.

Some months ago *The Irish Times* weekend supplement had a series of articles from people who had lost loved ones to suicide, for which I compliment the newspaper. One story in particular caught my eye and deeply affected me. It was by a middle-aged lady who had married her college sweetheart. This man had started to experience depression relatively late in life and, with the encouragement of his wife, had sought help. However, the prospect of going into hospital to seek medical help as recommended by his GP was so disturbing to him that eventually he took his own life. Commenting afterwards, his wife remarked he would have felt no shame had he needed treatment for heart failure, cancer or any other condition. It is deeply worrying there is still such stigma in Irish society around depression.

The former Minister of State with responsibility for mental health and disabilities, John Moloney, worked tirelessly to champion the issue of suicide and mental health and I believe his work was recognised. During his time in office he introduced the See Change campaign, referred to by the Minister of State, Deputy Lynch. This is an alliance of organisations working together to bring about positive change in public attitudes and behaviour towards people with mental health problems. See Change tackles stigma through a targeted community-driven approach, designed to change how mental health problems are perceived. As part of the campaign, figures in the public eye have come forward and talked openly about their experiences with depression. I commend the public figures who have participated and led this initiative. The campaign has also involved television advertising, townhall meetings, seminars and public meetings and involves local groups and first-person accounts of mental illness.

There is no better example of this within the world of politics than that of the former Norwegian Prime Minister, Kjell Magne Bondevik, who addressed a cross-party group on mental health in the Oireachtas some years ago about his own depressive episode while in office in 1998. Mr. Bondevik left office for a number of weeks in order to deal with his illness. He then returned to work and went on to win a second term as prime minister, with increased electoral support. In his own words he had "hit a wall" and he decided to take the unprecedented step of being up-front about his illness. Explaining the background to it, he indicated his incident was related to his inability or failure to deal with significant bereavements within his family and social setting. Mr. Bondevik took this brave decision in order to avoid speculation about his condition and to combat the stigma surrounding mental health issues in general.

I congratulate the new Minister of State on her recent appointment and I hope that she will continue to support the See Change campaign. It is vital that we create an environment where people are more open and positive in their attitudes and behaviour towards mental health. We all need to connect with young people, young men and boys in particular, in their communities, in sports organisations and in schools, to encourage them to be open and talk about their emotions and to look after their individual mental health. Fianna Fáil in government established the Office for Disability and Mental Health, which has a remit across four Departments. Likewise, we set up the National Office for Suicide Prevention, which is responsible for overseeing and implementing "Reach Out", a national strategy for action on suicide prevention which runs over a ten year period.

There is no single problem that causes people to take their own lives, likewise there is no single approach that will in itself tackle the problem of suicide in Ireland. We need a whole series of approaches by a range of actors. Reach Out involves coordination and cooperation

[Deputy Seán Ó Fearghaíl.]

between statutory, community and voluntary groups and individuals and requires Government to ensure that its targets are met. It means a multi-sectoral approach to the prevention of suicidal behaviour to foster cooperation between health, education, community, voluntary and private sector agencies. It is vital there is cooperation and coordination between the many players in the voluntary sector and those who have a statutory function.

Despite the very challenging economic environment we faced, funding for mental health and disabilities was largely preserved in the last budget. This is commendable, especially when one considers the scale of the cuts across many Government Departments. In recognition of the seriousness of the problem, an extra €1 million was provided in the last budget for the National Office for Suicide Prevention to fund training and awareness programmes to reach the most vulnerable and for helplines for those in distress. It was also designed to develop the capacity of primary care to respond to suicidal behaviour and consider new models of response. The Minister of State is aware of the work of the last Oireachtas Committee on Health and Children and Deputy Neville in strongly advocating for the roll-out of a network of primary care facilities across the country. We were all *ad idem* that mental health services must be at the centre of those primary care centres.

A Vision for Change has been our template for reforming and reconfiguring the mental health service. This document has received cross party support and I was delighted to learn the new Government will continue to implement this strategy. It is estimated that the total cost of implementation is €150 million; perhaps the new Minister of State will outline how they will fund this policy in future given the enormous demands on the health budget.

I commend the Minister of State for continuing the last Government's commitment to placing those with mental health problems into more appropriate community settings. For a long time, there was talk of putting those with mental health difficulties into a community care setting but for many in the early stages of that process, it meant abandonment in the community. Significant progress has been made in this regard. There are no longer acute admissions to the outdated facilities of St. Brendan's in Grangegorman and St. Senan's in Enniscorthy and these will be replaced by modern and more appropriate facilities. Work is also due to commence on a new psychiatric unit in Beaumont Hospital and another unit in Clonmel.

International evidence shows that good community-based mental health services are linked with lower suicide rates when compared with traditional hospital-based treatment. Cooperation will be needed, therefore, between the new Minister of State with responsibility for primary care and the Minister of State if we are to make progress in this area.

The issue of placing children in adult psychiatric facilities has been in the press recently. Again, progress has been made in this regard. Work is due to start this year to increase the number of beds in St. Vincent's Hospital in Fairview and work is already underway on the Linn Dara child and adolescent mental health facility in Cherry Orchard. Bed capacity has increased from 12 beds in 2007 to 52 at present and will reach 58 beds by 2012. The recommendation under A Vision for Change is for 108 adolescent beds but this target is being reconsidered given the emphasis on community-based care. Perhaps the Minister of State can tell us if she is committed to delivering 108 beds as recommended.

As the Chairman of the Oireachtas Committee on Health and Children in the last Dáil, I can say with confidence that the subcommittee on suicide prevention worked extremely well and I am sure the members, Deputy Dan Neville, former Deputy Charlie O'Connor and Senators Mary White and Phil Prendergast would agree with me. There is a strong case to be made for something similar to be set up in the new committee structure which will be

announced next week. I call on the Minister of State to ensure a subcommittee on suicide prevention is established under the auspices of the committee on health.

I conclude by praising the work of the voluntary sector in this area. Organisations like Aware, Amnesty, Grow and many more provide an amazing service on the frontline to those suffering from depression and their families. Without them communities and the HSE would be lost. I also commend Deputy Dan Neville, who has championed this cause for many years now and who has ensured that it has remained on the political agenda. The Oireachtas and the country owe Deputy Neville a debt of gratitude for his enormous contribution to the mental health debate and for his work in suicide prevention.

Deputy Caoimhghín Ó Caoláin: Cuirim fáilte roimh an Aire Stáit. By far the greatest tragedies in this economic crisis are the tragedies of people taking their own lives. That is an appalling reality that I have encountered directly. We can never fully answer the question of why individuals choose suicide but I know of cases where financial pressure pushed vulnerable people to the ultimate extreme of suicide.

These personal experiences are borne out by the figures. The Central Statistics Office states that registered deaths from suicide in 2009 reached a record figure of 527, a 24% increase on the previous year. That is a very significant increase. At the end of January this year the Central Statistics Office stated there were 127 deaths from suicide registered in the second quarter of 2010. Of those, 102 were male and 25 female. In the same period in 2009, 122 deaths were registered, 94 male and 28 female.

Geoff Day, Director of the National Office for Suicide Prevention, states in his preface to the office's 2009 annual report:

International research would indicate that during an economic downturn suicide numbers increase, however, the size of the increase based on the provisional figures is extremely worrying... The impact of the economic downturn in 2008, and particularly in 2009, has led to substantial increases in both self harm and suicide numbers.

Elsewhere it is stated in the annual report:

It seems likely that the increase is primarily a result of the impact of the economic downturn with substantially more people unemployed and suffering from personal debt.

Clearly, the recession is making a severe problem even worse but this problem is not, of course, primarily related to recessionary conditions. Greater awareness of the reality of suicide in our society, and initial steps to address it in a more effective way, began at the height of the economic boom. In 2006 the Oireachtas Committee on Health and Children published its report on the high level of suicide in Irish society. The report was especially critical of the state of our mental health services. It pointed out that people with mental illness are known to be at greater risk of death by suicide but "the type of mental health service one can access is a matter of luck". Those who were members of the committee will remember that sentence. The report went on to say that funding for mental health services is "allocated in a random manner with scant regard for need". Perhaps most damning of all in the context of suicide the report asserted: "The provision of mental health services for adolescents is high on aspiration but low on action."

I regret to say that the situation in terms of mental health services has improved little since the publication of that report in 2006. On the other hand much good work has been done in raising awareness of mental health by the HSE and by the Office for Suicide Prevention.

[Deputy Caoimhghín Ó Caoláin.]

Sinn Féin has identified suicide as a distinct priority area requiring concerted co-operation between Government, the health services, the voluntary sector and communities. Our youth section, Ógra Shinn Féin, has campaigned on this issue and we organised a seminar on suicide in Stormont in 2007 which I attended and addressed. On his own initiative, my colleague, Deputy Aengus Ó Snodaigh, published an information booklet on this issue for distribution in his constituency during the last Dáil.

2 o'clock Sinn Féin has included suicide prevention as a key element in the policy document, Healthcare in an Ireland of Equals, which I published in 2006. Among our key proposals were: to make suicide prevention an area of co-operation under the North-South Ministerial Council to give the issue the strategic co-ordination it requires; to frame and implement a fully resourced, comprehensive all-Ireland suicide prevention strategy, including actions to promote mental health among the general population, delivered through schools, youth services, workplaces and the media; mental health promotion actions targeting specific sections of the population, incorporating their diverse needs into tailored suicide prevention sub-strategies; mental health promotion and suicide prevention actions targeting groups identified as at higher risk of suicide; actions to assist individuals identified as at risk of suicide; actions to assist people who are bereaved through suicide; to invest in further clinical and community-based research on suicide prevention; to develop national mental health awareness and anti-stigma campaigns to help tackle the issue of suicide; and to include para-suicides, people at risk of suicide, families bereaved by suicide and families of people at risk of suicide in policy-making on this issue, that is to say, the widest possible consultation.

We agree with the Joint Committee on Health and Children and its report calling for targets to be set for the reduction of the rates of suicide in the country. Targets help; they focus each and every one of us. I commend the Irish section of Amnesty International on its work on mental health and suicide. In particular, Mr. Barry Johnston has been focused and exercised on this issue in recent years and I commend him personally on his efforts. Amnesty International has played an important role in raising awareness, especially in lobbying for more effective and rights-based mental health legislation and mental health services. As Amnesty International has stated simply and clearly, better mental health services mean fewer people dying by suicide.

More work is needed to target those people in our society most at risk of mental illness and suicide. Sadly, it is a fact that the example I cite relates to lesbian, gay and bisexual people. The Gay and Lesbian Equality Network, GLEN, has stated that despite the progress in Ireland in recent times, lesbian, gay and bisexual people can still experience discrimination, harassment and exclusion in their everyday lives. Many years of research supports the view that a lesbian, gay or bisexual orientation *per se* is not linked with mental health problems. However, given the stresses created by inequality, marginalisation and harassment, lesbian, gay or bisexual people are at an increased risk of psychological distress because of these experiences. This is often referred to as minority stress, a term used to describe the mental health consequences of stigmatisation, social exclusion, discrimination and harassment of minority groups.

It is important and I have every confidence that the Minister of State in her new role and with her new responsibilities will reflect this area of need of address in all that she will pursue in the time ahead. In our health manifesto, a shortened document on our overall health policy position that I launched in the recent general election, Healthcare in Ireland — There is a Better Way, we called for the following: the development of mental health services on an all-Ireland basis — a proposal I commend to the Minister of State — progressing from increased co-operation to integration of services on the island; improved accountability and transparency in planning and financing mental health service reform; modernised mental health legislation

in line with the new Convention on the Rights of Persons with Disabilities; the promotion of cross-departmental action to combat social exclusion, prejudice and discrimination against people with mental health problems; the ring-fencing, in accordance with the World Health Organisation recommendation, of 12% of the annual Department of Health and Children budget for mental health services; the development and promotion of suicide prevention strategies; and the provision of required child and adolescent community-based mental health services and ending the placement of children in adult in-patient facilities. Sadly, as the Minister of State is aware, there are still several of these. Progress has been made in some of these areas and more is promised in the programme for Government. For our part, Sinn Féin will continue to press these demands in the 31st Dáil and as a campaigning party.

Effective community-based mental health care is essential. My constituency of Cavan-Monaghan was the forerunner where the template was developed over many years and those at the helm deserve to be congratulated. There must be continuing care of people with mental illness. Too often, we hear of people treated in hospital emergency departments after incidents of self-harm or even attempted suicide and discharged with no immediate plan for follow-up care. If one gets a gash in one's leg and receives stitches, one would get an immediate follow-up appointment, yet people with mental illness are too often not regarded as being in need of ongoing monitoring and early follow-up, an issue which must be addressed. The attitudes behind this must change but this will only happen as a result of leadership from Government, all elected voices and our public health services.

The Government review of mental health legislation is especially important. Health legislation should be strengthened to ensure that it is firmly based on the rights of patients to adequate care and that the obligation on public health services to provide care is clear and based firmly on laws and regulations that can be implemented effectively. I urge the Minister and the Minister of State to set out, at an early date, how mental health care fits into the proposed health reform programme of the Government. Elsewhere, I have set out Sinn Féin's concerns about the many shortcomings of an insurance-based model of health care. I will continue to express concern about the model the current Government appears to be intent on pursuing.

I am especially concerned that mental health, which must be a priority in terms of public health care provision, could be neglected in the model of delivery based on the insurance sector now being contemplated. We must see the Minister's plans as soon as possible not only in outline form, but at the earliest time in respect of the detail of what is intended. While we will debate these issues and deliberate on the way forward we have an obligation to work together, which we have demonstrated in our collective welcome and declared support for A Vision for Change. Such constructive opposition was demonstrated by all parties, including both parties now in Government. The sane and balanced position which we all took, and which I shared with the current Government, will continue in respect of what the Government does well and right in the interests of health care needs, in particular those of mental health. This will continue to be the disposition that Sinn Féin and I hold. We all have a responsibility and those of us in the Opposition will continue to play a responsible role. We have an obligation as citizens to play our part in raising awareness and in making people at risk aware that they are not alone, that help is available, there is light after darkness and that together we can properly and rightly remove for now and all time the stigma that associates with mental health issues.

I conclude with a quotation from the National Office for Suicide Prevention which states in its declared work programme: "Even in these difficult times our individual and collective efforts will make a difference."

[Deputy Caoimhghín Ó Caoláin.]

I hope the Government and Opposition will work together in this House to make a difference and regardless of whatever will separate us on this, which will allow for intense debate, that in the time ahead we will look back on 31st Dáil as a time when real progress was made together on the issue of mental health and real suicide prevention measures.

Acting Chairman (Deputy Joanna Tuffy): The next speaker is Deputy O'Sullivan and I understand she is sharing time with Deputies Luke 'Ming' Flanagan and Richard Boyd Barrett. Is that correct?

Deputy Maureen O'Sullivan: Yes.

Acting Chairman (Deputy Joanna Tuffy): Is that agreed? Agreed.

Deputy Maureen O'Sullivan: Dublin's north inner city has been devastated by the drugs industry and allied to that was and is the number of suicides. It is very significant that some of those are in families who suffered institutional abuse.

I want focus on a particular project and model from the north inner city, the Oasis Deora Counselling Centre in North Wall, which has been to the fore in providing counselling and services for those facing loss through suicide. One of the ways it does this is by providing the ASIST — Applied Suicide Intervention Skills Training — programme, to which the Minister of State referred. This is suicide first aid. What is most significant about this centre and the training it provides is that the training is being given to those working directly in projects with people at risk of suicide.

The emphasis in ASIST training is on helping a person at risk stay safe and seek further help. Those who have done this training learn how to recognise the signs for seeking help and identify people who have thoughts of suicide. They can reach out and offer support, apply a suicide intervention model and then link the person with community resources and other supports. This ASIST training has been evaluated and the evaluations have shown that the workshop increases the caregiver's knowledge and confidence to respond to a person at risk of suicide. The intervention skills are retained over time and put to use to save lives. In one year this project in six training sessions trained 150 people in the two-day workshop and it also provided a tune-up refresher. In that one year alone it managed 47 clients who were suicidal.

When I chaired the North Inner City Drugs Task Force I had the opportunity of doing the two-day ASIST training course, therefore, I know its value. I also attended the refresher half-day course, which was also attended by youth workers, community project workers and staff from hostels for the homeless. The first question we were asked was how many of us had used the training since we had received it. I was very struck by those workers all saying that they had used on many occasions, thus saving lives.

We have the National Office for Suicide Prevention but I believe the model I have discussed from Oasis Deora has been invaluable because the training is going to those directly involved with vulnerable people at the risk of suicide. They do the training voluntarily. It is not seen as part of their job and they use the training.

I also acknowledge the support from the previous Minister of State, the former Deputy John Moloney, for this project to rollout further training. Some of that training will involve mindfulness-based training, which is a proven technique in managing stress, depression, anxiety, loss and also for relapse prevention for those in recovery from addiction to help in managing cravings. It is training that should be introduced in our prisons.

In terms of the cost of what I have discussed from that one project, the amount of €10,000 annually with Deora enabled ASIST training for 140 to 150 people, including follow-up time and crisis intervention. The amount of €15,000 annually provided training in mindfulness for 150 people who could go on to train others. The amount of €25,000 annually could make such a difference in preventing suicide and we know that suicide is preventable. I stress the value of that project because the training it provides is going to those who are directly working on a daily basis to those who are at risk of suicide.

One in four people in this country experiences a mental health issue but mental health does not get a proportionate amount of the health budget that would acknowledge that. A person can present at an accident and emergency department with a particular physical ailment and he or she might be on a chair or a trolley for a number of days but that person will be seen and will get treatment. However, if a person presents with a self-harm issue, an eating disorder, an overdose or depression, the scenario is very different.

Deputy Richard Boyd Barrett: The incidence of suicide is shocking. There were 5,270 suicides between 1996 and 2006, and that was during the good times. Since the onset of the economic crisis the incidence has dramatically increased, with 527 people taking their own lives in 2009, which is a 25% increase on what is already a shockingly high incidence of suicide. In the second quarter of 2010 there were 127 suicides. It is not an exaggeration to call this a slow massacre of people who are driven to that level of despair that they would take their own lives. Beyond the incidence of suicide there is a huge incidence of self-harm, suicide attempts, all of which have increased dramatically in the past few years.

Every tragic case of suicide, of a person taking his or her own life, has unique and complex factors that often relate to people's family backgrounds, particular difficulties in their lives, histories of mental health and so on. One cannot always do something about those individual circumstances. One cannot legislate for everything, for all the complexities of human existence. However, all serious analysis shows there are patterns to this and factors which we as a society can influence, which can and do have a tangible effect on the degree of suicide, mental health problems in a society and despair and alienation, essentially that people feel can lead them to these extreme courses of action.

Specifically, all serious analysis shows that we have a disproportionately high incidence of suicide and self-harm among our young people. It shows that there is a strong link between suicide and pre-existing mental health problems and, very importantly, that there is a very strong link between suicide and unemployment. The dramatic increase in suicide and self-harm during the past few years since the onset of the economic crisis bears out that there is a strong link between suicide and unemployment. These are factors we can do something about and given the tragic nature and huge scale of suicide, we have an obligation to prioritise very serious action to change the situation and influence the factors over which our society and us, as elected representatives, have some control.

In this regard, it is clear that cuts kill. It is as simple as that. Social welfare cuts and cuts to invalidity pensions and disability payments all disproportionately hit the vulnerable sectors of our society and those sectors where the incidence of suicide is highest. Recognising that these cuts kill and that we cannot seriously address this problem unless we reverse cuts in areas which affect young people, vulnerable people and the unemployed is a start to our being able to impact on addressing this problem. Health cuts affect people with mental health problems who need our assistance.

In Sallynoggin, a working-class area of my constituency, the local library was recently closed. The library service is being massively affected by the public service recruitment embargo because its staff numbers are being gradually reduced. The first library to go as a result of what

[Deputy Richard Boyd Barrett.]

is happening was that in Sallynoggin. The library in question was not great in the context of the number of hours for which it opened and the quality of service on offer. However, it did provide a service. The profile of Sallynoggin library was completely different from those of other libraries because young and unemployed people frequented it and used it as a social centre. It was a place where they could go and represented one of the few resources or amenities in the area. As already stated, it was the first library to be closed.

If one does not give young people something to do or a place to go or if one does not provide those who have lost their jobs with the resources to find new employment or educate or upskill themselves, it leads to despair. We campaigned against the closure of Sallynoggin library, stating that it would affect people and cause further alienation in an area which already suffers disproportionately from unemployment, youth alienation and other problems.

There has been a 15% cut in the funding available to family resource centres. One of the consequences of that is that the, albeit inadequate, service whereby psychiatrists are present in such centres for a few hours each week has been adversely affected. Family resource centres should be the first port of call for those who are in despair, who are suffering or who are developing suicidal tendencies. These people should have access to a facility close by where they can obtain counselling. However, the funding for such facilities is being cut. I wonder whether the Government intends to reverse these cuts.

Consideration should be given to the group which comprises taxi drivers. There have been some 34 suicides in recent years among taxi drivers and these were directly attributable to the disastrous policy of deregulating taxis. As a result of that policy, there are now more taxis in the city of Dublin than there are in New York city. This was the madness of the process of deregulation introduced by the then Minister, Mary Harney who, ironically, later became Minister for Health and Children. Are we going to regulate the taxi profession in such a way as to ensure that taxi drivers will not feel such despair that they will be prompted to take their own lives?

We need to reverse the cuts that affect the vulnerable in society. In addition, we must prioritise job creation. There is a need for immediate and dramatic action to create jobs — rather than worrying so much about bailing out banks — if we are going to deal with the social problems and alienation that lead to such despair that people consider taking their own lives.

Deputy Finian McGrath: I welcome the opportunity to speak in this extremely important debate. I commend the Minister of State, Deputy Kathleen Lynch, and Deputy Neville on the work they have done in respect of this issue in recent years. That fact that this matter is on today's agenda makes an important statement to the effect that the Government takes this issue very seriously. As an Independent Deputy, I will be giving strong support to any measures that are introduced. I will also give such support to most of the proposals contained in A Vision for Change.

We must all face up to the fact that there is a major crisis in this country in the context of mental health and suicide. The latter is a growing problem, with over 400 deaths per year. Suicide rates have increased by 24% and the rates of self harm by 11% in recent years. When discussing issues of this nature it is important to reflect on the fact that people who are contemplating committing suicide are suffering and need our support.

I would like the Government to create a dedicated executive position within the HSE and that the individual appointed to such a position would be responsible for implementing A Vision for Change. The lead-in this regard should be provided by a director of mental health services with executive powers.

It is important that we should enact legislation to assist those with mental health issues and people with intellectual disabilities. There is a strong link between mental health issues and suicide. Many of the responsibilities of the state with regard to mental health equally relate to suicide prevention. I strongly support the adoption of a human rights-based approach which would require the State to provide mental health services that are accessible, acceptable and of good quality in order to ensure that those at risk of or experiencing mental health problems will have access to the underlying social determinants of good mental health, such as education, housing, employment and welfare. These are key aspects to be considered when dealing with this matter. Meeting the criteria to which I refer would also meet the Government's objective to reduce suicide rates.

Recent evidence suggests that the problem of suicide in Ireland is becoming worse. However, suicide is preventable. This is the key matter in respect of which all Members should unite. The programme for Government contains a proposal on this matter and I am sure there is cross-party support for it. As an Independent Member, I will be strongly supportive of the policies that are being implemented. However, I will also monitor the progress the Government is making in the context of their implementation. The changes that are being introduced are important and need to be brought into play as a matter of urgency. I do not want to hear anyone whinging or moaning about the costs involved. These are important issues and money is being spent on other projects. There is no reason why the matter before us for discussion should not be made a priority.

Deputy Dan Neville: I welcome the opportunity to contribute to this debate. I wish the new Minister of State every success. She deserves the full support of Members on all sides and I am sure she will receive it. I hope the Government will support her by providing the resources she will require to reform our mental health services and to deal with matters such as suicide prevention, suicide research and suicide postvention. Each of the three aspects of suicide to which I refer are extremely important. We often concentrate on prevention but it is important to carry out research to discover why people are driven to commit suicide. In addition, postvention is vital in the context of dealing with the difficulties experienced by those who are bereaved as a result of a loved one or friend dying as a result of suicide. Prevention is vital but the other two aspects are almost equally important. In the context of postvention, we must ensure we have in place the support services necessary to deal with the unique bereavement experience of the families and friends of those who die as a result of suicide.

We must be careful with regard to the language we use. For a long period we have asked people not to use the words "commit suicide". There is no other way one dies which is referred to by use of the word "commit". Suicide was a crime up to 1993. I do not know if it ever was a sin but it is neither a crime nor a sin now. The language we use in respect of suicide is extremely important.

It is enormously difficult and stressful for families, friends and communities to face up to the tragedy of suicide. In almost all cases, the suicide of a person will not only evoke among their friends and family members the normal emotions associated with bereavement but also many other complex emotions such as anger and confusion. People also ask unanswerable questions as to why it happened and should they have known.

In the first half of the 1960s, an average of 64 people died by suicide each year. The most recent statistics indicate that 527 people took their lives in 2009. Of these, 422 were male and 105 were female. The figure for 2009 represents an increase of 24% over that for 2008. It is accepted that the level of suicide remains under-reported. Experts estimate that in excess of 600 people died by suicide in 2009. In fact, in that year there were over 190 deaths in which coroners were unable to determine the cause of death. In other countries, such deaths are often

[Deputy Dan Neville.]

included with the statistics for suicide. Experts in this country believe that at least 40% of deaths which remain undetermined are suicides. The figure in this regard is unacceptable. Last year 212 people died on the roads. Of course, the figure for the level of road accidents is still far too high. The suicide figure of 600 is also too high. Suicide is now the most common cause of death among 15 to 24 year olds in Ireland and a disturbing feature is the level of male suicide, which accounts for 80% of all deaths in that age group. Ireland has the fourth highest rate of youth suicide in Europe.

Research dating back to the 1890s demonstrates that the incidence of suicide or mental illness increases at times of recession and that suicide is linked with financial difficulties. It should not come as a surprise, therefore, to learn that we are continuing to see higher stress, suicide and mental illness levels in the current economic climate. The potential psychological impact of the economic recession on public health is severe. Persons who are unemployed are three times more likely to die by suicide than those in employment. The high rate is partly due to the fact that people with a psychiatric illness are at greater risk of losing their jobs. There is a close association between unemployment and suicide. However, even among individuals with no record of serious illness, unemployment is associated with a 70% greater risk of suicide.

Among the factors in other countries that have been found to correlate highly with the suicide rate are an increase in indictable crime, alcoholism, births to single mothers and the rate of marriage breakdown. This can be taken as representing a lack of integration or cohesiveness within society. Let us examine this aspect in an Irish context. The numbers of unmarried mothers show an increase in each successive year since 1970. In early 2009 some 24,500 children, or 33% of the total, were born to single parents. In each year since 1995 there has been an increase in the incidence of alcoholism, as measured by the numbers of admissions to hospitals for the disease. In 1970 the marriage rate was 704 per 100,000, while in 2009 it was 480 per 100,000. The number of separated and divorced persons has increased considerably in recent years. These four measures — the rates of births outside marriage, the crime rate, alcoholism and the insecurity of marriage — confirm international figures in an Irish context. This does not offer a cause of suicide but suggests the same factors that lead to these changes are influencing rates of suicide.

The changed social and economic environment in Ireland requires us to re-evaluate and prioritise the actions for suicide prevention to respond to the current tough economic circumstances. The Irish Association of Suicidology, of which I am a co-founder and the current president, has set out priorities for the prevention of suicide and deliberate self-harm. We recommend: the provision of training agencies to work with people who are unemployed and experiencing financial hardship; guidelines for the assessment and aftercare of deliberate self-harm presentations to emergency departments and the national roll-out of self-harm awareness training programmes; expanding suicide support and information systems to support families and communities affected by suicide; an accreditation process for voluntary and community organisations involved in suicide prevention, intervention and postvention; developing protocols to address the issue of access to minor tranquilisers; and publishing a revised edition of the 2002 suicide prevention in schools best practice guidelines.

The association gave a comprehensive document on these issues to the former Minister of State, Mr. John Moloney, in November. Time does not allow me to expand on this matter, but we will forward a copy of the document to the Minister. It is available in her Department. I commend the former Minister of State whose heart was in the right place and who worked very hard with all those who contributed to his work as Minister of State with responsibility for mental health and suicide matters. I found him to be extremely progressive. Many of his objectives were hindered by a lack of resources, which was frustrating.

In 2009 there were 11,966 presentations to hospitals due to deliberate self-harm. This was a significant increase of 5% on the level in 2008 and the third successive annual increase in the national rate of hospital treatments for deliberate self-harm. International and Irish experts estimate that for each self-harm presentation at an accident and emergency department there are several others who do not present. In fact, it is estimated that there are seven others for each person who presents at a hospital. Some are dealt with by their general practitioner, some do not seek help and some do not even inform their families that they have self-harmed. Therefore, the level of attempted suicide and deliberate self-harm in Ireland is in the region of 80,000 people per annum. Consistent with previous years, self-harm presentations in 2009 were largely confined to younger age groups. Some 45% were people under 35 years of age. As in previous years, the peak rate for women was in the 15 to 19 age group, while the peak rate for men was in the 20 to 24 age group. There is an urgent need to develop crisis counselling intervention measures in accident and emergency departments to tackle this issue.

The Fine Gael and Labour Party programme for Government outlines the Government's policy on mental health and suicide, which I warmly welcome. The programme states:

Our policy on mental health incorporates the recommendations of A Vision for Change. We are committed to reducing the stigma of mental illness and ensuring early and appropriate intervention and vastly improving access to modern mental health services in the community.

It continues:

We will ring-fence €35 million annually from within the health budget to develop community and mental health teams and services outlined in A Vision for Change, to ensure early access to more appropriate services for adults and children and improve integration with primary care services. Part of the ring-fenced funding will be used to implement Reach Out, the national suicide prevention strategy to reduce the level of suicide.

The programme for Government has specifically committed resources for suicide prevention programmes. The Fine Gael policy which was unanimously agreed by the Fine Gael Front Bench and parliamentary party in January committed the party to increase resources for the National Suicide Prevention Office to €10 million during the lifetime of the Government from the current figure of €4.2 million referred to by the Minister. I ask the Minister to confirm that the mental health programme specifically includes the increase in the budget for the National Suicide Prevention Office to €10 million during the lifetime of the Government. Fine Gael gave this vote of confidence to the National Suicide Prevention Office to ensure it would develop its work within the HSE and its relationship with non-governmental organisations. I do not say there is any suggestion this will not happen, but I would like to hear the Minister confirm that it will be the case.

There is a need to regulate the activity and professionalism of practitioners involved in psychotherapy and counselling services. There is an urgent need to ensure those who offer services in this area have a level of competency and have completed professional training to an accepted defined level. Those who practise in the area of psychotherapy and counselling need only obtain an office for consultation and put up a brass plate at the entrance. It is also unacceptable that organisations are advertising a range of short courses and are granting advanced diplomas when in most cases there is no basic qualification required to enter such a course. Individuals then set up as professional counsellors to vulnerable people, many of whom will suffer from extremely complex conditions, with emotional, psychological, psychiatric and physical health conditions. This is a very serious situation which must be tackled.

[Deputy Dan Neville.]

Last December I introduced a Private Members' Bill on this issue, the Health and Social Care Professionals (Amendment) Bill. I was disappointed that it was not included in the programme for Government and I ask for the Minister of State's comments.

I compliment the voluntary sector, as have previous speakers. I refer to the National Suicide Regional Research Foundation based in Cork which does excellent work and bodies such as Aware and Grow, Amnesty and Pieta House. The directors of Pieta House are present in the Chamber and in the Visitors Gallery. I know Pieta House very well and it is a model for other places. If I may be parochial and welcome them to Limerick because their work on dealing with those who are extremely suicidal is highly professional and is a model. Assistance in developing the services in other regions of the country would be very welcome. I wish the Minister of State well in her role.

Deputy Robert Troy: I wish to share time with Deputy Charlie McConalogue. Although this is not my maiden speech, at the time I omitted to take the opportunity to thank the people of Longford-Westmeath for putting their faith and trust in me and my three colleagues who were elected to represent the constituency four weeks ago. I put on record my sincere gratitude to the people of Longford-Westmeath for electing me to Dáil Éireann.

As a person who has actively promoted the issue of suicide awareness in my own community over the past number of years, I welcome the opportunity to make a statement on this very serious topic. I compliment the former Minister of State, John Moloney, for his commitment to this cause and Deputy Dan Neville for the work he has done to date. I also wish the new Minister of State well.

Recent evidence indicates that the number of people who die by suicide has risen in the past number of years. In 2009 there were 527 registered deaths by suicide which was an increase of over 24% on 2008. In my opinion, the figure is not totally accurate as I believe a more realistic figure is higher as there are a number of deaths that are not as easily attributable to suicide, for instance, single car collisions, which are not included in the official figures. Suicide is more prevalent among males than females and again the official figures indicate that in 2007 it was in the region of four to one, increasing to 6.4 to one for males aged between 20-24 years.

While I welcome the commitment in the programme for Government to treat this issue as a priority, collectively as citizens we too can play a major role in keeping this issue in the public domain. For far too long there was an awful stigma attached to people who suffered from a mental illness and people were reluctant to speak about family members who suffered from a mental illness. We have all heard of psychiatric hospitals been referred to as lunatic asylums. This is very wrong. Psychiatric illness is an illness the very same as a physical illness and which needs specialist care. The national stigma reduction campaign, See Change, should continue in 2011. The aim of See Change is to change positively social attitudes and behaviour, to inspire people to challenge their beliefs about mental illness and to be more open in their attitudes and behaviour and to encourage people in distress to seek help.

Recently in conjunction with Josephine Rigney of the HSE, I organised an ASIST, applied suicide intervention skills training, course in Mullingar. This is a two-day interactive workshop in suicide first aid and is suitable for all care givers, health workers, teachers, community workers, gardaí, youth workers, volunteers and people responding to family, friends and co-workers. Most people thinking about suicide signal and share their pain and they offer us opportunities to respond. This training can help participants to be more vigilant to a situation and enables participants to respond to invitations for help. It can also increase our confidence to ask about suicide when someone's safety may be in the balance. If someone is at risk, suicide first aid prepares us to work with them to increase their immediate safety and get further help.

It is a very worthwhile course and I encourage people to consider it. In my view, it should be compulsory for people who are actively working with the most vulnerable groups. Other courses are organised by the HSE through the National Office for Suicide Prevention and like the ASIST course I encourage people to participate in these courses.

Of course this issue will not be solved by people on their own and there is an urgent need for Government to increase funding to the National Office for Suicide Prevention. Last year the previous Government increased funding by €1 million. However, the funding level is still too low as it is far below what is allocated to road safety. While I do not deny the need for funding for road safety, we have seen the benefits of increased funding over the past number of years leading to a reduction in the number of deaths on the road. The fact is that more people die by suicide every year than on our roads, twice as much, if not more. It is imperative that extra funding is allocated to the National Office for Suicide Prevention.

I recently attended a presentation by Dr. Harry Barry, a general practitioner who has almost 35 years' experience as a medical doctor. He has a long-standing interest in mental health, in particular, in improving our understanding of the role of neuroscience in both the cause and the treatment of the main mental health illnesses such as major depression, anxiety disorders, addiction and suicide. He spoke about the logical and emotional brain; the stress system and its role in causing acute and chronic stress in the body and the crucial link between chronic stress and major depression. The main stressors in modern Ireland most likely to lead to suicide include unemployment, financial pressures, housing problems, alcohol or drug abuse, bullying etc.

There are three stages in brain development: the developing brain, the mature brain and the ageing brain. The developing brain is in those under 30 years of age, the category most at risk. The particular issues facing young men which put them most at risk include unemployment, loss of self esteem, bullying, drugs, sexual identity, relationship problems and alcohol misuse. The stress created by these issues is so toxic to men and so often it is tragically interlinked with alcohol.

International evidence shows that good community-based mental health services are linked with lower suicide rates, compared with traditional hospital-based treatments. Therefore, it is important to continue with the implementation of the strategy *A Vision for Change*. Amnesty International recommends making amendments to the Health Act 2004 and the Mental Health Act 2001 and perhaps this could be considered by this House.

Not everyone who is contemplating suicide needs psychiatric care. There needs to be centres that people can attend without fear of stigma and where they will be treated immediately and effectively. Pieta House, based in Lucan, is a good example. The Centre for the Prevention of Self-Harm or Suicide was officially opened in January 2006. In the past five years it has helped over 3,000 people and opened two outreach centres and two other centres of excellence in Dublin and Limerick.

MABS provides another very important service in this economic climate but its service is limited to dealing with personal debt rather than business debt. A service should be established to assist business people by providing them with a plan to address their debts. The Department of Social Protection should immediately introduce a scheme to assist the thousands of self-employed people who have lost their jobs and are not entitled to a social welfare payment. This is causing undue financial and mental pressures on thousands of families. The introduction of a social welfare scheme to support unemployed sole traders would help address this problem immediately.

Many groups, both voluntary and State sponsored, are providing invaluable assistance to people who are contemplating suicide. The Government should promote specific cross-depart-

[Deputy Robert Troy.]

mental action on mental health. Departments with responsibility for social welfare, education, employment and housing should indicate how they will implement *A Vision for Change* and one person should be made responsible for all co-ordination.

Deputy Charlie McConalogue: It is important that Dáil Éireann takes time to address suicide by facilitating Members to make a contribution on policy surrounding the issue. That time has been provided to discuss suicide is indicative of the time and profile required to address the issue at all levels of society with a view to removing the age old stigma attached to mental health and suicide which contributes to higher suicide rates in Ireland.

Mental health has still not been given the priority it deserves in society. Too often, people do not pay sufficient attention to their personal mental health and well being. The brain is the most complex and important organ in the human body but it is hidden and the symptoms of health problems associated with it are not as obvious as visible physical injuries. For this reason, mental health has not been given sufficient attention except when expressed in advanced symptoms, often following a failure to address a mental health problem at an earlier stage.

Unfortunately, suicide numbers in Ireland are stark. In 2009, there were 527 deaths by suicide, an increase of 24% on the previous year. These figures show the enormity of the issue facing us. The National Office for Suicide Prevention has linked the increase in suicide incidence to the deteriorating economy and resultant stresses. Deputies will have little difficulty accepting that this is the case given our personal experience of observing how hard times and high unemployment have brought a range of new pressures to bear on members of the public.

The suicide rate is the tip of an iceberg as mental health problems cause many more layers of suffering. In 2009, some 11,966 incidents of deliberate self-harm were recorded, a 5.5% increase on 2008. Under this layer of self-harm lies a further layer of daily suffering experienced by thousands of people with various degrees of mental health problems. We must tackle suicide and mental health in two ways.

We must increase public awareness of the importance of active management of personal mental health and provide adequate and well resourced mental health care facilities in our communities and hospitals. To address the issue of awareness, the former Minister of State at the Department of Health and Children, Mr. John Moloney, introduced a national stigma reduction campaign known as *See Change*. Having known the former Minister of State for some years, I commend his contribution on this issue and his decision to use personal experience to help ensure people take responsibility for their mental health.

The aim of *See Change* is to positively change social attitudes and behaviour, inspire people to challenge their beliefs about mental illness, be more open in their attitudes and behaviour and encourage people in distress to seek help. A network of national and local organisations is promoting the anti-stigma message through local broadcasts and print media and a range of other activities. I have seen the impact the campaign has had in north County Donegal where local groups have used local people to front activities aimed at getting the message across in local communities.

To address the issue of improving mental health services for members of the public the previous Fianna Fáil Party-Green Party Government established the Office for Mental Health and Disability. Special consideration was given in the most recent budget to the mental health and disability sectors, which experienced a smaller reduction in funding — less than 2% for 2011 — than other sectors.

The previous Government also introduced the policy document, *A Vision for Change*, with a projected investment of more than €150 million over seven to ten years. Development funding

totalling €54 million has been allocated to the Health Service Executive since the launch of the report in 2006. To further the implementation of A Vision for Change the 2010 employment control framework for the health service provided an exemption from the moratorium on recruitment and allowed 100 psychiatric posts to be filled by nurses or therapists. While implementation of the strategy has been much slower than originally anticipated, progress has been made, including shorter episodes of inpatient care, improvements in child and adolescent mental health services, fewer involuntary admissions and the involvement of service users in all aspects of mental health policy, service planning and delivery.

The same proactive interventions made to try to catch public attention in the area of road safety should be adopted in our efforts to address suicide and mental health.

Deputy Dominic Hannigan: I wish to share time with Deputy Derek Keating.

I thank the voters of Meath East for placing their trust in me. It is with great honour that I take a seat in this Chamber to represent them. I congratulate the Minister of State, Deputy Kathleen Lynch, on her appointment and wish her every success in her role.

In 2009, some 529 lives were torn apart by suicide in 2009, an increase of 24% on the previous year. Trends for 2010 indicate the figure will increase again. These are only the recorded numbers and unofficial numbers are likely to be higher still. The sad reality is that there are many reasons a person takes his or her life. Each of these reasons deserves to be debated and a solution found in order that when people find themselves in a dark place, they will know they are not alone.

I will focus on two specific areas associated with the causes of suicide, namely, the recession and homophobic bullying. According to the National Office of Suicide Prevention, international research indicates that suicide numbers increase during an economic downturn. During the election campaign, I met people on a daily basis who were deeply concerned about their personal sense of worth in the Ireland in which we find ourselves. This was particularly the case for some younger families who had bought a house and car and had children before the crippling effects of the downturn began. It was especially the case for those who started their own business, took on debts beyond households debts and subsequently lost everything.

Throughout the campaign I listened to elderly parents who were worried about the effects of the recession on the state of mind of their grown-up children. A few short years previously, the same parents had watched with pride as their children set up businesses or invested to provide for their families' future. With the recession, their children have lost everything and the parents worry about their sense of hopelessness. The question they posed to us was how we could help them out of that dark place.

We must do more for the people affected by offering them hope that they will emerge from despair. Suicide prevention is not only the responsibility of the Department of Health and Children or Health Service Executive; it is about every Department working together to give opportunities to people again.

I suggest that the Departments of Education and Skills, Enterprise, Jobs and Innovation and Finance should play key roles in providing such opportunities to people. We need to give people financial independence through job creation and educational prospects. In that context, I was delighted to hear the Tánaiste announce yesterday that the jobs budget will take place next month. The types of programmes that will be put in place as a result of the mini-budget will help people to regain a sense of worth and ownership over their lives.

I would like to speak about the effect that bullying in our schools is having on the mental health of our teenagers. We are all aware of high-profile cases in the media of teenagers who have sadly taken their own lives because of bullying in and out of our schools. Last Thursday,

[Deputy Dominic Hannigan.]

I was asked to launch officially an anti-homophobic bullying campaign, “Stand Up”, which is run by Belong To, an organisation with a long history of work with young gay teenagers in Ireland. Research from the National Office for Suicide Prevention shows the devastating effect homophobic bullying can have on a young person. It tells us that three out of five gay young people are bullied at school, half of all gay young people have seriously thought of ending their lives, a quarter of them have self-harmed at least once and one in five of them has attempted suicide. All of this is due to homophobic bullying.

The idea underpinning the “Stand Up” campaign is simple. It encourages teenagers and teachers to stand up for their gay friends and pupils. Some 1,600 resource packs have been sent to schools and youth clubs across the country. One of the difficulties with any awareness campaign is communicating to young people in a language they understand. This is one of the reasons a video, featuring a group of young people, has been produced as part of the resource packs. The video was posted on YouTube last weekend and has been viewed by 250,000 people to date, a phenomenal achievement and a credit to the team behind it. The video features the story of a young person who is being bullied and his reaction to the bullying. His isolation in the classrooms and hallways of the school is shown vividly, until it is broken by his friends gathering around him and creating an environment of support and respect. The “Stand Up” campaign is about creating an environment of empowerment so everyone can fulfil his or her potential in school and beyond.

Belong To is just one example of an organisation that is trying to make a difference in our schools. We need to develop further strategies to combat bullying in our schools. With this in mind, I am pleased there is a commitment in the programme for Government to “encourage schools to develop anti-bullying policies and in particular, strategies to combat homophobic bullying to support students”. Strategies that help to confront bullying will reduce the incidence of young people being driven to feel that ending their lives is their only option. We need to work across all Departments to ensure we provide opportunities to people through jobs, education or support so they do not find themselves in a dark place, alone, without an answer or without hope. I intend to work closely with the Minister of State, Deputy Kathleen Lynch, on this issue. I will provide any support I can to reduce the scourge of suicide in Ireland.

Deputy Derek Keating: I thank Deputy Hannigan for sharing time. As this is the first opportunity I have had to speak since I was elected to the 31st Dáil, I would like to thank everyone who helped me to reach this point in my life — my family, my close friends and my party. In a special way, I thank the people of Dublin Mid-West and express my sincere gratitude to them for sending me to this House as a Teachta Dála.

In the early days of this Dáil, we have focused our attention on the economy, the national debt, the banks, emigration and unemployment. One of the hidden effects of our failing economic circumstances is the growing problem of suicide. The issues of suicide and self-harm are of great importance. I place the social crisis of suicide alongside the national crisis that is our economic future. My personal and political belief is that for the first time in our history, we are preparing to confront directly the issue of suicide in Ireland. Previously, we were not even prepared to talk about suicide. Perhaps as a result of the stigma associated with suicide and the message of failure, we were happier to skirt around the edges. I have seen expensive advertisements relating to issues like food safety and health promotion. It has often struck me that we make little or no effort to advertise suicide prevention, even though hundreds of necessary lives are being lost unnecessarily through suicide each year.

I suggest we need to consider the economic impact of a single suicide. We should think about the many people, including members of immediate and extended families, work colleagues,

social friends and neighbours, who are affected by each suicide. We should consider the impact on our economy of the deaths of thousands of people by suicide over recent years. The cost of suicide has been estimated to be €900 million per annum. Suicide is hurting us more than ever. The number of cases of suicide is increasing and anxiety is rising. Suicide is casting a shadow at national level. At local level, it is piercing the heart of every community and parish. Other countries, including Australia, Scotland and England, are tackling youth suicide successfully.

Projects like Pieta House, which has been mentioned, are making remarkable strides at local level. Those involved have a vision for a better future and a determination to save more of the lives of the most vulnerable people in our society. As a proud director of the Pieta House charity, I welcome its chief executive, Joan Freeman, its chairman, Joe Houghton, and his wife, Penny, to the Dáil. I ask Members to imagine what would happen if Pieta House did not exist. Almost 4,000 people have visited Pieta House in its five-year existence — they would be forever in darkness if the charity's services were not available. The good news is that almost 4,000 people are alive today having been to Pieta House. This is a brand, or new model, that works. It focuses its services on the crucial area of intervention. It is a new concept of care. People from all walks of life and all corners of Ireland visit Pieta House every day. The youngest visitor to date was six and the oldest was 83.

As we move forward with a new brand of vision and belief, in the interests of sustaining a healthier Ireland, it is of critical importance that a suicide crisis centre be available no more than 100 km from any citizen. I look forward to taking on that challenge during my time as a Deputy. I will work with the Government and the Opposition and share the journey with my constituency colleagues — the Minister, Deputy Fitzgerald, Deputy Tuffy and Deputy Dowds. The Taoiseach made a powerful statement when he ended the pre-election party leaders' debate by speaking about the subject of suicide. He spoke again about the issue in a compassionate and determined manner last week. I am pleased that the matter is being debated at length at this early stage of the 31st Dáil. I understand additional time will be allocated next week.

There are almost 430,000 people on the live register. More than 2,000 people, most of whom are young, are being forced to emigrate each week. We have more than one national emergency. As Deputies, we can be smothered with statistics but we must not lose sight of the fact that the individual experiences of people can change actual lives and often do so. I had such an experience when I was canvassing outside Clondalkin parish church one Sunday during the general election campaign. I noticed a lady who made sure she avoided me by passing me without making eye contact or speaking. My life-changing experience happened later that day, when the lady in question, Margaret, returned to tell me her story. When Margaret goes to bed every night, she wishes that God had taken her. She has no money and no heat. I am aware that she went to bed early on Christmas day because she did not have heat. It is important for me to maintain contact with Margaret. It is of critical importance that, as a Dáil and as a society, we care for those who are most at risk.

I reiterate my promise to do all I can to work with my Dáil colleagues in the interests of suicide prevention. I acknowledge the work of the Minister and Deputy Neville. I look forward to playing my part in doing all I can to save the lives of those most at risk. If, by the end of this Dáil, I have achieved nothing more than that, I will be satisfied.

An Ceann Comhairle: I congratulate Deputies Hannigan and Keating on their maiden speeches.

Deputy Gerry Adams: Tá mé fíor-bhuíoch dóibh siúd a chuir an t-ábhar tábhachtach seo ar an chlár inniu. Tá an Teachta Dan Neville ag déanamh sár obair ar an ábhar seo le blianta

[Deputy Gerry Adams.]

anuas agus táimid buíoch dó. Mar adúirt cainteoirí eile, bhí ardú sa mhéad daoine a chuir lámh ina bás féin an bhliain seo caite, suas le 500 duine sa Stát seo agus suas le 300 eile sna Sé Contae. Ciallaíonn sin go bhfuair suas le 800 duine bás trí féinmharú agus go ndearna mílte eile díobháil dóibh féin. Is géarchéim náisiúnta uile Éireannach í seo. Tréaslaím go háirithe leis an Teachta Neville as an obair atá déanta aige agus tréaslaím fosta le teaghlaigh agus tuismitheoirí na daoine a fuair bás agus leis na scoileanna, múinteoirí agus daoine ag obair sna seirbhísí sláinte as an obair atá déanta acu go dtí seo.

One of the first groups which asked to meet me when I became a Deputy was PIPS, the Public Initiative for the Prevention of Suicide and Self Harm, which is based in Dundalk. I was conscious of this group because it was begun in north Belfast by a friend of mine whose young son took his own life. It is a voluntary organisation which was established in 2008 and publicly launched in 2009. It seeks, like many other voluntary organisations, to save lives and support those affected by suicide and self harm, and also to raise awareness about suicide. It works with bereaved families and provides crisis intervention. I commend all such groups across the island who work on this issue.

The issue of suicide was brought home to me very clearly. I was walking on the Falls Road when a woman called me into her home. She told me her son, who had been subjected to sex abuse, had attempted to take his own life a few times. I went in and talked to the young fellow. I listened to what he had to say and later went back to see him and provided him with some books. I tried to be a friend and to point out the futility of suicide, his responsibility to his siblings and so on, all in a very gentle and, I hope, helpful way. However, like everybody else here, I was very busy. One day, this young man met the perpetrator in the street and went home and killed himself. I went to the wake house and felt in some way that I had not done enough, that this was in some way something lacking in me, that I should have spent more time or found the space. It brought home to me how a parent, a partner or a sibling must feel that they did not spot the signs, did not know or did not do enough, and that this happened without any warning. Apart from the lives lost, there is the huge trauma for a family of guilt and the feeling they are in some way responsible.

To give some statistics, it is estimated a greater number of people have lost their lives through suicide than is recorded in the official statistics, which do not even deal with attempted suicides. There are numerous stories of people who try to take their own lives and fail to do so, and who do not then get proper help, even though they are brought to a hospital, a doctor or some professional. If a person goes in with a broken leg or concussion, he or she will be given another appointment and somebody will have the person's details and check on him or her. However, if the person goes in with a mental problem, that type of connection is not made. A person who I will not name but who has done wonderful work on this issue once told me suicide is not a political priority because there are no votes in it. If that is true, it is a huge indictment of all of us.

We organised a number of conferences in the North, which Deputy Dan Neville kindly attended to speak and give us the benefit of his wisdom. To return to PIPS and County Louth, the Louth county coroner recently said that more people are dying in his area of responsibility as a result of suicide than of car accidents. We have often used the example of the campaign for safer driving — which includes heavy advertising, consciousness raising efforts, the promotion of safer driving, change of regulations and so on, quite rightly — and then contrasted that with the lack of a similar approach to an issue which is costing more lives than are lost on our roads.

A few months ago, there was a surge of suicides of very young people in west Belfast. It is a very tight community there, and they came together and sought to work together. I invited

the Deputy First Minister to the area and, together, we met young people and bereaved families, and he invited them to meet him at Stormont to explore suicide prevention strategies. I mention this because I tried to get the same approach here from the former Minister for Health and Children, Ms Mary Harney, and she would not even meet on the issue. We must consider the hurt of those who are directly affected. When suicide happens in a community just as I have described, the fear grips everybody — every big brother, big sister, parent and grandparent — and they ask whether their child or family member will be next.

While suicide is now better understood, there is still the awful phrase “committing suicide”. In the past, a suicide victim in the Catholic Church’s protocol could not be buried on consecrated ground but all of that is now gone. Nonetheless, bereaved families resent the use of the term “committed suicide”, which suggests the person had committed a sin — I say this as a consciousness raising effort. Rather, it is “taking a life through suicide” or “taking your own life”. In Irish, the term “committing suicide” is never used and “taking your own life” is always used.

While the issue is now better understood and there is more compassion, there is not sufficient funding in this regard. I appreciate this debate taking place today. I thank the Minister of State, Deputy Kathleen Lynch, for that, and Deputy Finian McGrath, who raised this issue last week, is also to be commended. There is a need for more funding and for an all-island approach. In the North, there is a suicide prevention strategy implementation body, which I commend to the Minister of State, and there is also a regional strategy and an executive sub-group. While the resources are inadequate there also, they are ring-fenced. Here, there is the National Office for Suicide Prevention and the strategy. However, funding in both states on mental health and suicide prevention is inadequate given the scale of the crisis.

I referred to road safety and it is quite right the Road Safety Authority is undertaking all of its campaigning. It receives €40 million a year, which is eight times what is provided for suicide prevention. Mental health provision remains the Cinderella of our health services. All of this must change.

We need an all-island suicide prevention agency, with the health authorities North and South working with other bodies and voluntary and community groups to put together effective strategies. We must have effective remedies backed up by dedicated funding and resources. Such an initiative must also be cross-departmental as it incorporates the remit of various Ministers. The North-South Ministerial Council, or a body arising out of it which is answerable to both Ministers for Health, could make a significant impact in dealing with this. As another speaker observed, other states have brought forward successful strategies to deal with this awful blight.

In 2008, 420 people in this State were reported as having died by suicide. In the same year in the North, 282 suicides occurred. Last year 500 people died through suicide in this State and approximately 300 in the North. That is a total of 800, bearing in mind there may be under-reporting. Suicide is predominantly a male problem with the highest rates occurring among young men aged 18 to 24 years. The figure is also very high for men aged 60 to 64 years. For reasons we do not understand rates of suicide among women never exceed 9.5%, with that rate occurring among women aged between 50 and 54 years. In all cases the effect of suicide on families, friends and communities is absolutely devastating.

Self-harm is also an issue of great concern. Many GPs are not trained in dealing with mental health issues such as depression. Patients who present at hospitals with self-inflicted injuries are often released without intervention even though it is frequently the case that people succeed in taking their own lives only after a period of self-harming.

Tá plean gníomhaíochta uile-oileán ann ag an Chomhairle Aireacht Thuaidh/Theas agus, ar mhaithe le daoine óga go háirithe, tá sé práinneach go ndéanfar obair ar bhonn náisiúnta,

[Deputy Gerry Adams.]

trasteorann Tá sé níos práinní anois ná mar a bhí riamh go n-oibreoidh nRanna anseo leis na Ranna ó Thuaidh.

Professor Kevin Malone of the school of medicine and medical science in UCD and St. Vincent's University Hospital recently gave evidence on suicide to the Oireachtas Joint Committee on Health and Children. He reported that the incidence of suicide is significantly higher than the official statistics suggest. There must be follow-up on this finding; to resolve a problem we need to know its depth.

I commend all the groups working with those bereaved by suicide and to prevent the incidence of suicide. I mentioned PIPS because it is the organisation with which I am most familiar; many others also do important work. In almost every community one will find good people trying to deal with this problem, raising consciousness of the issue and intervening in emergencies. Many people would fall through the cracks if not for the work of these groups.

I agree with other speakers that the incidence of suicide may increase as the economic recession bites and people become distressed and desperate. However, let us put this in context — suicide rates reached unprecedented levels at the height of the Celtic tiger. This may be a warning that the situation could get worse, but it also lets us know there are causes other than economic distress.

Tá mé buíoch den Aire Stáit as an ábhar seo a chur ar an chlár oibre inniu. This is an important debate but what is vital is that we deliver, in a measurable way, for the people affected by this issue. We must prove not only that we care but that we can bring forward strategies to deal with it.

Deputy Andrew Doyle: I thank the Government for making time available for a discussion of this sensitive and disturbing issue which affects all strands of society, different communities and the families therein. For many years suicide, mental illness and mental health issues were not prioritised by Government. The road to hell is paved with good intentions. Many people wanted to do the right thing but, when priorities came to be decided upon, strategies to deal with mental health issues and suicide were put on the back foot.

The statistics speak for themselves in terms of the extent of the problem for our society. We must get the message across that such a high incidence of suicide is unacceptable and that suicide is preventable. The National Office for Suicide Prevention is to be commended on the work it does on a limited budget. It has a fraction of the resources of the Road Safety Authority, for example, even though the statistics for accredited deaths in road deaths are very similar, if not slightly lower, than those by suicide. With limited resources the National Office for Suicide Prevention and, to some extent, the Health Service Executive are doing worthwhile work.

Several fundamentals must be taken on board in terms of how we deal with suicide in the future. Above all, the response must be based completely on community services. It is no longer acceptable to focus merely on the symptoms of the problem, dealing with individual cases in isolation. The reasons that people contemplate, try or succeed in suicide are multiple, but are not being addressed in a comprehensive way. For instance, I know of children in residential care who come from family backgrounds where there are multiple and serious problems. When they reach the age of 18 the State no longer has any duty of care to these young people or responsibility for their well-being. I understand the Government is considering legislative provisions whereby the State will be mandated to maintain responsibility for young people in its care beyond the age of 18. These people often have a host of problems which may manifest in a desire for or attempt at suicide.

It is important to note that financial worries are a cause for concern in this area. In the farming community, for example, the number of suicides increased from 24 to 33 between 2008 and 2009. Given that 2009 was the first of several years of significant economic hardship it seems safe to conclude that financial pressures were a contributing factor in the increase.

Ceisteanna — Questions

Priority Questions

North-South Co-operation

1. **Deputy Niall Collins** asked the Minister for Justice and Equality if he will confirm that the cooperation between the police forces and Justice Departments of North and South will be maintained at the unprecedented level set by the previous Government [7164/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Government is committed to maintaining the highest level of co-operation between the Garda and the Police Service of Northern Ireland, PSNI, and between my Department and the Northern Ireland Department of Justice. It is clear that by working together on matters of mutual concern and interest we can improve the lives of all the people on the island of Ireland.

Co-operation between the Garda Síochána and the PSNI remains at the highest level on all aspects of policing activity. Obviously, the appalling bomb attack in Omagh at the weekend, in which PSNI Constable Ronan Kerr was tragically killed, highlights once again the importance of the two police forces working together to counter the terrorist threat. I take the opportunity to reiterate the Government's total condemnation of that attack, as well as the commitment of the Garda Síochána to offer every support to the PSNI's efforts to bring those responsible to justice.

Operational policing co-operation is, of course, the responsibility of the Garda Commissioner and PSNI Chief Constable and their officers. As for meeting the threat posed by terrorists, I remind the House that the former Chief Constable stated publicly that some of his officers were alive thanks to pre-emptive Garda operations. The current Chief Constable has reiterated the high quality and importance of cross-Border co-operation and stated the quality of this co-operation is even higher than that between neighbouring police forces in Great Britain. The two police forces recently launched a new cross-Border policing strategy, covering areas including cross-Border investigations and operations, intelligence-sharing and security, information and communications technology and emergency planning. Under the 2002 police co-operation agreement, protocols have been signed that provide for the implementation of a programme of personnel exchanges and secondments between the Garda Síochána and the PSNI.

Structured co-operation between my Department and the Northern Ireland Department of Justice takes place under the auspices of the intergovernmental agreement on co-operation in criminal justice matters. The agreement provides for regular meetings between me and the Northern Ireland Minister for Justice to discuss criminal justice matters. One of my first actions following my appointment as Minister was to meet my counterpart in Northern Ireland, Mr. David Ford. We reaffirmed our commitment to continuing co-operation between our two Departments on these issues. I was accompanied at that meeting by the Garda Commissioner, while Mr. Ford was accompanied by the Chief Constable of the PSNI, Mr. Matt Baggott.

Overall, I have no doubt that working together in such areas as criminal justice policy, enforcement policy and the sharing of expertise and best practice can only be to the benefit of all the people on this island.

Deputy Niall Collins: I congratulate the Minister on his appointment and join him in reiterating our condemnation of the recent attack that resulted in the death of Constable Kerr. I again offer my condolences to the Kerr family, as well as those of my constituents in Limerick, many of whom expressed to me their horror and revulsion. The programme for Government contains a commitment that all necessary resources will be given to the Garda Síochána to deal with the threat posed by dissidents and paramilitary groups. Will the Minister outline, in broad terms, the type and cost of such resources provided? In addition, will he provide Members with an overview of the level of co-operation between the Department of Justice and Equality and the Garda Síochána in the investigation into the death of Constable Kerr? For example, how many gardaí have been allocated to the investigation on a full-time basis?

Deputy Alan Shatter: The second part of the Deputy's question is, of course, an operational matter between the Garda Síochána and the PSNI. As for the first part of the question, there is absolutely no question but that the Garda will be fully supported in its efforts to counter the activities of the criminal terrorists who robbed Constable Kerr of his life. The programme for Government makes clear the Government's commitment to ensuring the necessary resources will be available to the Garda Commissioner and his officers and I reiterate that commitment today. I met the Commissioner shortly after my appointment and confirmed to him the Government's absolute commitment to ensure he would have available to him all resources required in dealing with the threat posed. I speak regularly with him and there was a full security briefing following the weekend's atrocity. On Monday he briefed the Taoiseach, the Tánaiste and me.

I had visited Garda Headquarters only the previous Friday to discuss the issue of criminal terrorists and a broad range of other issues in the criminal justice area and matters relating to the Garda. The Commissioner has assured me that he has the resources he requires to deal with those who still are intent on violence and attempting to disrupt the peace process and return us to the past. The Garda, in full co-operation with the PSNI, will not let up in bringing to bear the full pressure of the law on those who are seeking to drag us all back to a violent past. This was reiterated by me in my conversations with the Minister, Mr. Ford, on Saturday evening shortly after the atrocity that resulted in the death of Constable Kerr. At the weekend the Commissioner stated his officers' solidarity with their colleagues in the PSNI and the determination of the two organisations to work together to bring to justice those responsible. He will, of course, continue to have the Government's full and determined support in this regard.

As the Deputy is aware, there have been some developments in the investigations taking place in Northern Ireland into the death of Constable Kerr, although it would not be appropriate for me to comment on these matters in this House. I note that when I attended the constable's funeral yesterday, in the company of the Taoiseach, we reiterated the support of the Government and the Garda. Moreover, the Commissioner also met the Chief Constable of the PSNI, Mr. Matt Baggott. All I can state is that the Government is absolutely resolute to provide all necessary assistance and help in counteracting the serious threat posed.

Garda Deployment

2. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to ensure that frontline policing services are protected or enhanced in the time ahead [7167/11]

Deputy Alan Shatter: I am firmly committed to supporting the Garda Síochána in prioritising operational front-line policing. This commitment is very much reflected in the Government's programme for national recovery which sets the objective of ensuring administrative duties are carried out by civilian staff to free up highly trained gardaí for the prevention and detection of crime. It also calls for a higher priority to be attached to community policing and, within available resources, for a higher Garda visibility in those local neighbourhoods worst affected

by anti-social behaviour. It also recognises that the threat posed by criminal terrorist groups cannot be underestimated, a threat made very real by the callous murder of PSNI Constable Ronan Kerr, to which I have referred, and pledges to foster the continuing strong relationships between the Garda and the PSNI.

The Government's programme recognises and supports front-line policing. The programme also emphasises the importance of public sector reform. In that regard, I note that the Garda has drawn up a reform action plan under the Croke Park agreement. A key aim of this plan is to implement a revised roster system to more closely match the availability of Garda personnel with fluctuating policing demands. This is exactly the kind of practical reform that has the potential to enhance front-line policing and it will have my full support.

Deputy Jonathan O'Brien: The Minister has mentioned the introduction of civilians or non-gardaí to undertake some administrative work. Will the Minister provide further details about the number of people currently behind desks who will be put back onto the front line?

I will focus on one aspect of Garda resources, namely, the Garda vetting programme. The Minister of State, Deputy Kathleen Lynch, and Deputy Dara Murphy from my constituency are present. They will be well aware of the many community and voluntary groups in our constituency that are facing delays of up to four months in trying to get people cleared to work in that sector. This is having significant effects on the community groups and the individuals concerned. Does the Minister have any plan to try to accelerate the process?

Deputy Alan Shatter: Civilianisation enables the direct replacement of sworn members who are engaged in exclusively clerical, administrative or technical duties with civilian staff. In many other cases, however, it allows sworn members who would otherwise need to devote substantial parts of their working days performing administrative duties, such as data entry about crime incidents into the PULSE system, to focus exclusively on front line policing duties. Civilian staff may also be recruited to perform new or expanded administrative, managerial and professional support roles in the Garda Síochána, for example, as crime analysts or IT specialists. These roles did not exist within the organisation until recently. In my meeting with the Garda Commissioner, we discussed further the use of civilians in the context of other Garda functions. This matter is now under review and I hope additional gardaí whose work can be undertaken by civilians will be returned to front line services.

The Garda vetting unit does an extraordinary job. Frankly, it is somewhat overwhelmed by the number of applications to it. There has been a substantial increase in the number of applications for vetting. The average timeframe for determining most applications is between ten and 12 weeks, but this is too long. It is an issue about which I complained from the Opposition side of the House more than one year ago. Additional staff have been recruited to the Garda vetting office and sanction is being given for a further ten staff to be recruited. The further development of the office was a subject of my discussion with the Garda Commissioner last Friday. We are examining what steps might be taken to provide additional staff in the vetting office by way of civilians, not by way of gardaí. A number of new arrangements that I hope can be implemented pursuant to the Croke Park agreement would facilitate this.

Deputy Jonathan O'Brien: In terms of freeing up gardaí, does the Minister have concrete numbers in mind? He has a number of proposals, but does he have a figure in his head for the number of gardaí he would like to see put back onto front line services?

Deputy Alan Shatter: I do not want at this stage to put a definitive figure on it because it is an issue that the Garda Commissioner is examining. I expect we will have a further conver-

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sation about the matter in the not-too-distant future. When the proposals we are considering are finalised, I will be happy to bring the matter before the House again.

Prison Accommodation

3. **Deputy Clare Daly** asked the Minister for Justice and Equality his plans to remedy the problems of slopping out and overcrowding within the prison system; if he will grant a debate on the findings on prison conditions contained in the recent report published on the 10th of February of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, CPT; and if he will make a statement on the matter. [7079/11]

Deputy Alan Shatter: I am committed to addressing the issue of in-cell sanitation in line with the Government programme for national recovery. The recent report of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, CPT, acknowledged positive developments in the Irish prison system, such as the modernisation of the prison estate, the provision of additional spaces and the investment in rehabilitation services for prisoners. However, it was critical of a number of areas, including overcrowding and the continuing practice of slopping out in some of our prisons.

The latest report of the Inspector of Prisons and Places of Detention on Mountjoy Prison, which became available on 24 March and we published this week, points to a sea change for the better in many respects. I will be supporting the prison's governor, Mr. Ned Whelan, and his staff in pursuing further improvements.

As matters currently stand, 72% of the prisoner accommodation has in-cell sanitation. I am informed that this will rise to in excess of 80% when the extension to the Midlands Prison, currently under construction, is opened in 2012. The project under way in the basement of C wing at Mountjoy Prison, which I saw when I visited the prison, will result in an additional 36 cells with in-cell sanitation coming on stream by mid-2011. The Irish Prison Service also recently awarded a contract to provide in-cell sanitation in the remaining 74 cells on that wing. Depending on the findings of a post project appraisal, the Prison Service will consider installing in-cell sanitation facilities in the remaining cells of that prison. The Prison Service is also currently appraising the logistical, financial, operational and other aspects of an outline proposal to provide in-cell sanitation in all cells in Cork Prison and all remaining cells in Limerick Prison that do not have such sanitation. This appraisal will be informed by the evaluation of the Mountjoy C wing project.

I will not be able to resolve the issue of cell sanitation overnight. In the short few weeks I have been in the job, we have made some progress. Cell sanitation has been a problem in our system for decades. However, I have just this week established a four-person committee to examine the need for new prison accommodation and to advise by 1 July whether work on the site at Thornton Hall should proceed. Its terms of reference specifically require it to take into account the need for an adequate stock of accommodation that meets required standards, including in particular in-cell sanitation. The terms also require the committee to look at alternatives to custody.

I would be happy to participate in a debate on the findings on prison conditions contained in the CPT report whether it be arranged for Private Members' time or otherwise, but I have to leave the arrangements for the provision of time for a debate to the Whips. I suggest that, if we do hold such a debate, it should have regard to the recently published Mountjoy report.

Deputy Clare Daly: I welcome the Minister's publication of the report and the considerable discussion on this crucial issue in recent days. As the Minister stated, 72% of prisoner accom-

modation has in-cell sanitation, which means that 28% does not. The Minister was not in government, but we now recognise that this has been a problem since the mid-1990s. Making people in overcrowded conditions slop out every morning is a clear violation of basic human rights.

I note the Minister's comments about the pilot scheme under way in Mountjoy Prison, but the practice is continuing in Limerick and Cork. I might have misheard, but no definite date for the work's completion was given. There has been some inching forward. It cannot happen overnight, but we need a timeframe in respect of the three prisons primarily affected by this issue. Measures have been suggested that could alleviate the effects of slopping out in the short term, including toilet patrols during the night and so on. This would be an important step.

I am glad the Minister has initiated a review of Thornton Hall, which has already been a significant waste of public money. We will see what its outcome will be. The solution lies in legislation that views imprisonment as a last resort, not in doubling or trebling prison spaces, a practice that must end. I look forward to seeing the report in July.

Deputy Alan Shatter: I agree with the Deputy's view that imprisonment should be a last resort, but there are some very bad and violent people in respect of whom, to protect the community, the only option is a sentence of imprisonment when a conviction is obtained.

I agree with the Deputy's view regarding in-cell sanitation. It is a view I expressed from her side of the House. Within our prison system, all cells should have sanitation. Originally, the view was that it was not possible to provide it in Mountjoy Prison. When this matter was further examined, it became clear that such sanitation appears to be possible throughout the prison. The pilot scheme being conducted in C wing is to ensure the feasibility of the project. If it works out as we expect, the next step will be to seek the resources to extend in-cell sanitation throughout Mountjoy Prison. I am very conscious of the conditions in the other two prisons the Deputy named. That is an issue I hope we will have an opportunity to address within the constraints of the resources available to the State.

Garda Strength

4. **Deputy Niall Collins** asked the Minister for Justice and Equality the steps he is taking to ensure no reduction in garda numbers and his plans on garda recruitment in 2011 [7165/11]

Deputy Alan Shatter: I do not want to upset the Deputy on our first Question Time.

Deputy Niall Collins: Not before we even start.

Deputy Alan Shatter: I congratulate him and wish him well in his position as my opposite number.

Deputy Niall Collins: That is only this week.

Deputy Alan Shatter: This is a rather odd question and is what would be termed, in the lexicon of the United States and a language with which my father is familiar — Yiddish — as one of the best examples of chutzpah I can find. It is difficult to take the Deputy's question seriously as the previous Government, led by the Deputy's party, in its National Recovery Plan 2011–2014 published late last year, required Garda strength to be reduced from its then level of around 14,500 to 13,000 by the end of 2014 as part of a general reduction in public service numbers. That was part and parcel of the EU and IMF framework plan which the previous Government signed up to. Moreover, the plan prescribed a reduction from 14,500 to 13,500 by 31 December 2011 without the plan, or any subsequent initiative, by the outgoing Government

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detailing proposed steps to effect such a reduction. Effectively, it envisaged a reduction of the Garda force by 1,000 in the space of 12 months without explaining how that would be achieved. There was no initiative taken by the outgoing Government to facilitate this achievement.

This Government has its own overall target for a reduction in public service numbers, as set out in the programme for national recovery, and I will be discussing with the Minister for Public Expenditure and Reform and my other Cabinet colleagues the details of how this will be applied across the various parts of the public service. The outcome of this discussion and the rate of Garda retirements, which has fluctuated significantly in recent years, will determine when Garda recruitment will recommence. It will also determine the manner in which the objectives set by the Deputy's party, when in Government, of reducing the numbers of gardaí by 1,000 may be achieved.

There is no getting away from the reality that public expenditure and public service numbers must be reduced but I am determined, as are all my Cabinet colleagues, that this will be accompanied by real and substantive reform that will make the delivery of public services more efficient and cost effective. Our programme for national recovery recognises that a key objective of this reform is the protection of front-line services, and I regard that as a priority for Garda reform. I am very anxious to ensure that if numbers are reduced, the current services are maintained.

Deputy Niall Collins: I thank the Minister for his reply and opening comments. I am shadowing the Minister for this week at least but next week may bring something else for me. We must wait and see. I recognise what was contained in the four year programme published prior to the election. The Government parties gave a commitment in the programme for Government to retain a strong and efficient police force and at the same time there has been an indication that it is intended to reduce public service numbers by 25,000. Is the Government committed to reducing the Garda force by 1,000 over the course of the Government's term as outlined in the programme for Government?

With regard to Garda recruitment and training and balancing the reduction in numbers and retirements, when will the next intake of trainees be taken into Templemore? People have applied to join the force and been vetted but they have been put into a holding cell, so to speak. They are ready to be brought to Templemore to train. When will the next batch be brought in and will the Minister confirm his intention to reduce the number in the force by 1,000?

Deputy Alan Shatter: The Deputy correctly states that the programme for Government commits to a strong and efficient police force and it is our commitment to maintain such a force. With regard to numbers we are considering the implications of the EU and IMF agreement and I have an obligation in my Department to meet the financial estimates and not to over-reach in that regard. The Garda Commissioner must also meet his financial targets. I cannot say at this stage exactly what the position will be with Garda numbers at the end of this year. As it stands, there is an obligation to effect the reduction which the Deputy's party committed this State to in the agreement with the EU and IMF.

With regard to recruitment issues, in February last year the former Minister, Dermot Ahern, advertised for Garda recruits and by June there were 400 on a potential panel to go to Templemore. Without making an announcement, the former Minister put all 400 into cold storage. Where there is a commitment to reduce Garda numbers and the finances of the State are constrained, I cannot at this stage indicate when new recruitment might take place other than to indicate that I am anxious that there would be an influx of new young people into the

Garda force over a period. I do not see any likelihood of new recruitment during 2011. Beyond that all I can say is the matter is under review.

Sentencing Policy

5. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality if he will consider bringing forward sentencing guidelines for the Judiciary to deal with inconsistencies in the sentencing policy of judges [7168/11]

Deputy Alan Shatter: The traditional approach to sentencing is for the Oireachtas to lay down the maximum penalty and for a court, having considered all the circumstances of the case, to impose an appropriate penalty up to that maximum. There are a small number of cases, however, where statute has created important exceptions to this approach. Mandatory sentencing requirements apply most notably for murder, firearms and misuse of drugs offences. There are other provisions relating to drug trafficking and firearms offences where a presumptive mandatory minimum sentence applies. Where the court is satisfied that there are exceptional and specific circumstances which would make a particular minimum sentence unjust, a different sentence can be applied, and we have seen instances of the courts doing this. The type of circumstances which a court may consider would include whether and when the accused pleaded guilty and whether an accused assisted the investigation of the offence.

The Deputy will appreciate that judges are independent in the matter of sentencing as they are in other matters concerning the exercise of judicial functions, subject only to the Constitution and the law. Of its own volition, the Judiciary established a committee, led by Mrs.

4 o'clock Justice Susan Denham of the Supreme Court, to oversee the development of an electronic system to gather information about the range of sentences and other penalties that have been imposed for particular types of offences across court jurisdictions. The resulting website, the Irish sentencing information system, ISIS, became operational as a pilot in August 2010. This publicly accessible resource includes statistics on sentencing, synopses of relevant court judgments and access to a database on actual sentences imposed in various crimes and cases. It provides a qualitative overview and a snapshot of how the courts treat offences, who committed them and the circumstances in which they took place. It also provides references to leading cases on sentencing, summaries of particular judgments of the Court of Criminal Appeal in the area of sentencing law and links to the judgments of that court and academic materials on the subject of sentencing. The website has the potential in time to be a valuable tool not only for members of the Judiciary but also for lawyers, researchers and those of us concerned with the needs of victims and their families. I understand that ISIS will be evaluated after it has been operating for some time.

Additional information not given on the floor of the House.

It is important to make the point, when discussing sentencing, that the Director of Public Prosecutions may apply to the Court of Criminal Appeal to review a sentence he regards as unduly lenient. The improved access to sentencing precedents and practice provided by ISIS will also assist the DPP in that task.

The Deputy may be aware that my Department is engaged in a public consultation process to develop a White Paper on crime with a view to developing a policy framework for future strategies to combat and prevent crime. Part of the consultation process focused on criminal sanctions, during the course of which sentencing guidelines were discussed. There was no consensus on how such guidelines might operate without undermining judicial independence and flexibility. The prevailing view, with which I agree, is that judicial independence is crucial and should be safeguarded. However, the Law Reform Commission has been asked to consider

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and, if appropriate, recommend reforms in the law in relation to mandatory sentencing. The commission will consider the use of mandatory sentences for offences in general terms along with approaches based on ranges of sentences. I welcome that the commission intends to publish a consultation paper on this subject later this year.

Deputy Jonathan O'Brien: I thank the Minister for his answer. During the previous debate I gave an example of inconsistencies and frustrations which arise from them. In my constituency a convicted heroin dealer, caught with the largest drugs seizure of its time in Cork, was given a suspended sentence whereas a person who failed to pay a fishing fine got four days in Cork Prison. Those inconsistencies frustrate the public.

I take on board the Minister's comments about the website and recognise the independence of the Judiciary in handing down sentences. When a judge is appointed to a court, there is no obligation on him to attend refresher courses or up-skill, which is a failing. There should be some opportunity for judges to attend refresher courses and seminars. There is a perception, which is a true reflection of some judges, that they live in ivory towers and do not know what is happening on the ground. This has an impact on communities.

I urge the Minister to ensure that sentencing policy is consistent and that people can again have some faith in it.

Deputy Alan Shatter: It is important that there is consistency in sentencing policy. In my experience, court reports of what occurred in court and the sentences imposed are often incomplete. In many cases, where sentences appear to be inconsistent they are different because of the background circumstances in a particular case. I discovered that when one goes into this in more detail, frequently there is less inconsistency than may have appeared on the surface.

However, it is important to have consistency. Funding is made available to the Judiciary for continuing judicial training, an area in which it can address issues of consistency in sentencing. This is an issue in respect of which, as Minister, I cannot interfere because of the independence of the Judiciary but I believe it is important to maintain public respect for our court system and our criminal justice system, that sentencing should be consistent and when sentences are imposed explanations should be given regarding the nature of those sentences in order that they can be fully understood.

Other Questions

Programmes for Government

6. **Deputy Michael McGrath** asked the Minister for Justice and Equality when the new property database which is intended to track and record market trends and house prices will be established [7070/11]

Deputy Alan Shatter: The programme for a national Government, covering 2011 to 2016, contains a commitment to improve the quality of information available on the housing market by requiring that the selling price of all dwellings be recorded in a publicly available national housing price database. I intend to give effect to this commitment by assigning statutory responsibility for publishing details of residential property sales prices to the Property Services Regulatory Authority.

The Property Services (Regulation) Bill 2009, which was published by the previous Government, provides for the establishment of this authority and is currently awaiting Dáil Committee Stage. I had the Bill re-entered in order that the House might progress it. I intend to table amendments to the Bill which will have the effect of expanding the authority's statutory functions to include the publication of residential property sales prices, as I had advocated from the Opposition side of the House. This information will be supplied to the authority on an ongoing basis by the Revenue Commissioners who are in receipt of the relevant information for stamp duty purposes.

As Deputies may know, the Bill has already passed through the Seanad. I look forward to the debate in the select committee and thereafter in the House, with a view to the early enactment of the legislation. For a number of years I have favoured the establishment of such a database and, particularly in the context of the current market difficulties, it will provide a valuable insight into the state of the property market.

Deputy Niall Collins: I thank the Minister for his reply. I agree this will be a very valuable tool and a badly needed source of information given that the property market is stagnant at present.

The Minister stated he intended to re-enter the Bill. Can he provide a date for that?

Deputy Alan Shatter: I understand the Bill has been restored to the Dáil Order Paper although I am open to correction on this. Unfortunately, we cannot start Committee Stage until the committees are formed. As a select committee of the House will derive, ultimately, from a joint Oireachtas committee, we are somewhat stymied in establishing joint committees until we know the outcome of the Seanad elections. I hope the Bill will be taken in very early course when the committees have been formed.

Legal Profession

7. **Deputy Denis Naughten** asked the Minister for Justice and Equality the plans he has to reform the public complaints system for the legal profession; and if he will make a statement on the matter. [7010/11]

Deputy Alan Shatter: The programme for Government 2011-2016 undertakes to "establish independent regulation of the legal profession to improve access and competition, make legal costs more transparent and ensure adequate procedures for addressing consumer complaints".

These undertakings complement those structural reforms in the EU-IMF programme of financial support for Ireland aimed at removing restrictions to trade and competition relating to the legal professions and legal costs, namely, to establish an independent regulator for the legal professions and implement the recommendations of the legal costs working group; and to implement the outstanding Competition Authority recommendations in order to reduce legal costs.

I intend to give effect to the various commitments I mentioned by way of the Legal Services Bill which is referred to in the Government legislation programme, announced by the Chief Whip on 5 April. The commitment of the Government is to a strategy that is comprehensive, provides more independent regulation of the legal professions, better regulates legal costs and ensures that the complaints procedures are as effective as possible. The strategy, when implemented, will improve the overall system of delivery of legal services in the State.

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In the context of the Bill, I am giving consideration to the question of extending the functions of the legal services ombudsman whose functions at present include the review of the handling by the Law Society and the Bar Council of complaints about solicitors and barristers, respectively, as detailed in that legislation. Of course, although the Bill was enacted in 2009, a legal services ombudsman has not yet been appointed. The outgoing Government had not made that appointment.

Subject to necessary consultations, the consideration of the proposals by the Attorney General and Government approval being obtained, I expect to be in a position to announce details of the Bill's proposals in the not too distant future. It is my objective that the Bill will be before the House for discussion, if not shortly prior to the summer vacation certainly very early following the Dáil's subsequent reconvening.

Sentencing Policy

8. **Deputy Willie O'Dea** asked the Minister for Justice and Equality his position on mandatory sentencing in general; and if he will make a statement on the matter. [7069/11]

Deputy Alan Shatter: The traditional approach to sentencing is for the Oireachtas to lay down the maximum penalty and for a court, having considered all the circumstances of the case, to impose an appropriate penalty up to that maximum. There are a small number of situations, however, where statute has created exceptions to this approach. As mentioned, mandatory sentencing requirements apply in a limited number of cases, most notably in section 2 of the Criminal Justice Act 1990 which states: "A person convicted of treason or murder shall be sentenced to imprisonment for life."

There are other provisions relating to drug trafficking and firearms offences where a presumptive mandatory minimum sentence applies. As mentioned, where the court is satisfied there are exceptional and specific circumstances which would make a particular minimum sentence unjust, a different sentence can be applied. The type of circumstances which a court may consider would include whether and when the accused pleaded guilty, and whether he or she assisted the investigation of the offence.

My Department has already commenced a public consultation process to develop a White Paper on crime which will present a policy framework for future strategies to combat and prevent crime. Part of the public consultation process focused on criminal sanctions, including the subject of mandatory sentences. As Deputies will be aware, the programme for Government committed the new Government to review the whole area of mandatory sentencing.

The Law Reform Commission has also been asked to examine and, if appropriate, recommend reforms in the law in regard to mandatory sentences. I understand the commission hopes to publish a consultation paper on this subject later this year. The work I described as being already under way will feed into the overall review of mandatory sentencing to which the Government is committed. When that work is complete any necessary legislative reforms can be brought before the House.

Garda Operations

9. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to make changes to the operation of joint policing committees including giving consideration to granting greater powers to such bodies; and if he will make a statement on the matter. [7048/11]

Deputy Alan Shatter: The functions and powers of joint policing committees, JPCs, are set out in the Garda Síochána Act 2005, which provides for a committee in each local authority area. The committees provide the framework for a partnership process involving the Garda Síochána and elected members and officials of the local authority — the two organisations that make the most significant contribution to preventing crime in an area — with the participation of Members of the Oireachtas and of the community and voluntary sector. The Act provides that JPCs will operate under guidelines issued by the Minister for Justice and Equality after consultation with the Minister for the Environment, Heritage and Local Government. The Garda Síochána has established a Garda national JPC monitoring office as a focal point for its involvement in the work of the committees.

The guidelines under which the JPCs currently operate were issued by the former Minister for Justice, Equality and Law Reform in September 2008, following a two year pilot phase involving 29 committees. The new programme for Government makes a commitment to build on existing community policing partnerships and forums to enhance trust between local communities and the Garda. Accordingly, I believe it is appropriate to commence a review of the operation of the committees in conjunction with the Garda Síochána, the Department of the Environment, Heritage and Local Government and the local authorities. The review will take place in the context of the commitments in the programme for Government to reform local government. In that regard, my colleague, the Minister for the Environment, Heritage and Local Government, Deputy Phil Hogan, stated he intends to publish at an early date a policy statement on local government, outlining government policy for an action programme to renew and develop the local government system. The joint policing committees will be relevant in that regard.

Deputy Jonathan O'Brien: Is there a timescale for the review?

Deputy Alan Shatter: As I must continually remind Deputies, the Government has only been in place for four weeks. Rome was not built in a day, we cannot address every issue in the programme for Government immediately but the work on that is under way and work was done on the issue prior to the general election. As soon as he can, the Minister for the Environment, Heritage and Local Government will bring forward the review.

Deputy Seán Crowe: Is there a timeframe for the committees that have been established? We see such pilot schemes going on for years.

The Minister spoke about the local authority policing committees. There is also a substructure with pilot schemes in particular areas. Is there any flexibility? Who decides what areas are chosen? I am on two committees in south Dublin and one of them covers Fettercairn and Brookeview but not the adjoining estates. There does not seem to be any structure to the area covered and it is not clear how decisions are made to choose two or three estates. Who makes these decisions, the local authority, the policing board or the Garda authorities?

Deputy Alan Shatter: The pilot phase is essentially over. Once they were completed, general guidelines were introduced and each local authority can now operate a joint policing committee. The legislation prescribes a minimum number of meetings but no maximum for the committees. I was briefly a member of the Dún Laoghaire-Rathdown committee and I know it is up to the members of the policing committees to control the agendas, the numbers of meetings held and the issues to be discussed. There is no reason some part of the south Dublin committee area should be excluded from consideration.

[Deputy Alan Shatter.]

Some local authorities are attaching more importance to the committees than others, with some seeing them as an important part of the local architecture while others see them as a nuisance and hold the minimum number of meetings. If the joint policing committee in any area is not operating satisfactorily, it is within the competence of the members of that committee to set an agenda and to determine the number of meetings to be held. The Garda authorities are more than happy to co-operate with them.

10. **Deputy Richard Boyd Barrett** asked the Minister for Justice and Equality if his attention has been drawn to the fact that a company (details supplied) has established check-points and roadblocks in the Rossport area of north west County Mayo; and if he will make a statement on the matter. [7060/11]

Deputy Alan Shatter: I take it that the Deputy is referring in his question to public roads as it is generally open to companies to take whatever security measures are appropriate in relation to their own property.

The permission of the local authority is required before any person or company may lawfully set up a checkpoint or roadblock on a public road. As far as I have been able to ascertain, no such application was made to Mayo County Council and consequently no such permission was granted.

Furthermore, I am informed by the Garda authorities that they are not aware of any check-points or road-blocks being performed by non-Garda personnel in the Rossport area. In addition, as the Deputy is no doubt aware the gardaí regularly patrol the area and they have not observed any such checkpoints or roadblocks.

The Garda authorities also state that no complaints relating to any such activities have been reported to them. If anyone has information or evidence of checkpoints or roadblocks being established on public roads which have not been authorised, I urge them to report that to the gardaí.

It may be helpful to reiterate that the aim of the gardaí is to ensure that, on the one hand, Shell E&P and its contractors can go about their lawful business and, on the other, that the right to peaceful protest of those who may be opposed to the development can be facilitated while maintaining public peace and order. I support that aim against the background of the importance to the national gas network and to the economy more generally of having the pipeline completed.

The additional cost in overtime and allowances of the policing operation to date is €14.245 million. These figures do not include the basic salaries of the members who performed duty at the Corrib gas project. The majority of this cost is accounted for by overtime, allowance and travel and subsistence payments. It is disproportionate that it has proved necessary to incur such expenditure which is a consequence of the behaviour of some protestors. It would be preferable if such Garda resources could be utilised in the fight against drug gangs and in community policing initiatives. Given the numbers and the actions of the protesters, a significant number of gardaí have had to be deployed on the policing operation.

Deputy Richard Boyd Barrett: There is something very wrong with how the gardaí are behaving in the Rossport area and with how they are allowing private security companies that are working for Shell Oil to treat protestors. When I submitted this question it was on the basis of reports that IRMS, a private security company working for Shell, was putting up checkpoints on main roads and vetting traffic that was going past in the interests of Shell. Since then we

have had the shocking episode where two young protestors were arrested and subjected to obscene language by two gardaí, who talked about the possibility of raping young women in their custody. This comes on top of years of similar reports to the Garda Ombudsman, most of which have been dismissed, of physical assaults of protestors and reports of attacks on those involved in the protests by masked men.

This is a serious situation. Human rights organisations from all over the world that have gone to Mayo have expressed extreme concern about the behaviour of gardaí and private security companies in the area. While we cannot judge from this point the exact rights and wrongs of the case, I ask the Minister to accede to the requests of people in the Erris and Rosspport area for an international, independent inquiry to look at policing and the activities of private security companies employed by Shell in the area and how they are treating peaceful protestors campaigning against the attempt to force a pipeline through their land and the taking of gas resources off the west coast. Is it not time for an independent, international investigation?

Deputy Alan Shatter: I have no information about private security companies vetting traffic on main roads. On the matter raised by the Deputy about the allegations in respect of Garda conduct towards two young women, it is incorrect to say they were directly subjected, as the Deputy put it, to obscene language, but there are allegations of an event occurring in the context of gardaí travelling in a car in which those arrested were not present and which was recorded on a video device.

This matter was brought to the attention of the Garda Commissioner last Monday. A superintendent was appointed to conduct inquiries and the Commissioner sent me a report on the matter this morning, in accordance with his responsibilities under section 41(1)(b) of the Garda Síochána Act 2005. A copy of that report has also been forwarded to the Garda Síochána Ombudsman Commission, which is carrying out its own inquiry into the matter. It is the appropriate independent body to carry out such an inquiry.

Without prejudice to the investigation of the Ombudsman Commission, the Garda Commissioner has informed me that he has arranged for four of the five members of the Garda Síochána identified in the superintendent's report to be transferred from their current stations to Castlebar station and confined to indoor duties in the interests of the service. The fifth garda is being confined to indoor duties in Castlebar station, which is his current station.

As the Garda Síochána Ombudsman inquiry is continuing, it would not be appropriate for me to comment further on the detail of the specific incident as Minister for Justice and Equality. However, I acknowledge that the Garda Commissioner has acted swiftly in dealing with the issue. Remarks of the kind reported are completely unacceptable when made by any group of people, whether made publicly or privately, and, in particular, are not acceptable when made by a member of the Garda Síochána.

It is a matter of regret to me, but not surprise, that some people have used this most regrettable and unfortunate incident to bolster a campaign of vilification against the Garda Síochána in which they have engaged since the start of the Corrib protests. The strategy appears to be simple: to harass the Garda as much as possible to impair its capacity to do its job in the hope this will frustrate the building of the pipeline. While not minimising the nature of the incident involved, nor condoning it, it is in the public interest that I state clearly my belief that the vast majority of the members of the Garda Síochána have behaved in an exemplary manner in policing the protests in Corrib and they will continue to do so.

The members of the Garda are not there through choice. They are there in the public interest to uphold the law. Their presence is, unfortunately, necessary because of the nature of the

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protests taking place. They are in a difficult and confrontational setting which is not of their own making and, as I mentioned earlier, the Garda operation in this location has so far cost the taxpayers in excess of €14 million.

An Leas-Cheann Comhairle: A brief question from Deputy Joan Collins.

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

An Leas-Cheann Comhairle: Are you happy to yield?

Deputy Joan Collins: Yes. I yield to Deputy Boyd Barrett.

An Leas-Cheann Comhairle: Very briefly, Deputy Boyd Barrett. We are short on time.

Deputy Richard Boyd Barrett: Given that the issues about the behaviour of the Garda are disputed and there are many complaints against the behaviour of the Garda, specifically in this area, is it not reasonable that some independent body would come in or that independent, international observers come in and make an objective judgment on this? Is that not a reasonable request given that the matter is now disputed and the allegations about the activities of those involved are so serious? Why will the Minister not accede to an independent, international inquiry?

Deputy Alan Shatter: This House enacted legislation to establish the Garda Síochána Ombudsman Commission. That body is independent and is appointed to conduct independent investigation and to address issues of alleged Garda misconduct. That body is engaged in this investigation at the moment. I have confidence in the capacity of the Garda Síochána Ombudsman Commission to address the issue that has arisen. It is the appropriate body to so deal with that matter.

An Leas-Cheann Comhairle: Ceist Uimhir 11 is in the name of Deputy Niall Collins.

Deputy Joan Collins: A Leas-Cheann Comhairle——

An Leas-Cheann Comhairle: I am sorry we are moving on. Time has expired.

Deputy Joan Collins: I have a right to come in.

An Leas-Cheann Comhairle: I understood the Deputy was giving way. I am sorry, time has elapsed.

Deputy Joan Collins: It is outrageous. How can the Minister say that it is deplorable and regrettable that a campaign on the ground——

An Leas-Cheann Comhairle: Sorry Deputy. I have called——

Deputy Joan Collins: These people have justifiably campaigned against Shell ruining their land.

An Leas-Cheann Comhairle: The Chair is on his feet. I have called Question No. 11.

Deputy Joan Collins: We want the Minister to call for an independent, international inquiry into this issue.

An Leas-Cheann Comhairle: Deputy, please.

Deputy Joan Collins: It is not good enough. Some 111 cases have already been made to the police in recent years and nothing has come from that. People do not trust the Garda.

An Leas-Cheann Comhairle: Deputy, the Chair is on his feet. I am sorry. I understood you were yielding to Deputy Boyd Barrett.

Garda Investigations

11. **Deputy Niall Collins** asked the Minister for Justice and Equality the position regarding the progress of the investigation into Anglo Irish Bank and when he expects any decision from the Director of Public Prosecutions [7064/11]

Deputy Alan Shatter: As Deputies across the Chamber may be aware, I have in the past expressed concern about the level of progress with regard to the investigations into Anglo Irish Bank. I am most anxious that the investigations are fully and properly completed and papers in so far as is appropriate furnished to the Director of Public Prosecutions, DPP.

I am informed by the Garda authorities that investigations into matters in Anglo Irish Bank are at an advanced stage. Two substantial investigation files were submitted to the DPP by the Garda Bureau of Fraud Investigation in December 2010 and directions from the DPP are awaited. The investigation is ongoing and the investigation team continues to conduct necessary follow up inquiries in respect of the two investigations, in addition to investigations into other complaints received in respect of Anglo Irish Bank. I am also informed that the Director of Corporate Enforcement has submitted two investigation files and a number of reports to the DPP and that there is close ongoing co-operation between the Garda Síochána and the Office of the Director of Corporate Enforcement.

I made clear long before my appointment as Minister that I share the intense frustration which people have expressed at the length of time these investigations have taken. In saying so, I am not criticising the persons carrying out the investigations, who, I have no doubt, are taking forward what are hugely complex investigations in a professional and committed fashion. I am also conscious that as we near the stage where the DPP — who is entirely independent — is in a position to make decisions on these matters, we must be very careful in what we say and as Minister for Justice and Equality I must be especially careful.

On our appointment as a Government we identified three priorities in this area. First, we sought assurances from the people involved in the investigations that they were satisfied that they had sufficient resources. We received those assurances. Second, we made it clear that if at any stage they believed additional resources were required, that would be responded to immediately. Third, we inquired whether there were changes in the law which we could bring forward to help them in their work. In the light of that consultation, we will bring forward a criminal justice Bill in the coming weeks to address delays in the prosecution and investigation of white collar crime. All being well, I expect that Bill will be published shortly.

Deputy Niall Collins: I thank the Minister for his reply. I agree that we are all frustrated with the length of time it has taken but we must accept, whether we are on this side of the House or in the Minister's position, that frustration and outrage is no substitute for hard evidence and hard evidence is what we need in this case. Could the DPP provide an indicative timeframe in this matter? There is a sense that it is dragging on and on. Before the Minister

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responds, I excuse myself because I must step out of the Chamber when the Minister finishes but I will come back.

Deputy Alan Shatter: As the Deputy is aware, the DPP is entirely independent in his function. It would be completely inappropriate for me, as Minister, to communicate about these matters directly to him. I understand and appreciate that the investigation is extremely complex and a substantial amount of documentation has had to be accessed and considered.

It is unfortunate that we did not reform our laws in these areas some years ago to provide for better and more efficient procedures to facilitate the Garda in the investigation of white collar crime and, in particular, to facilitate the Garda in the investigation of complex financial matters which give rise to this level of documentation. I trust the Bill I intend to publish will provide assistance to future such investigations, but, as it will be essentially a Bill of a procedural nature, it may also, if this investigation has not concluded by the time of its enactment, further accelerate completion of the outstanding investigations into the banking issues.

Legislative Programme

12. **Deputy Niall Collins** asked the Minister for Justice and Equality when he will publish legislation to ban upward only rent reviews [7065/11]

14. **Deputy Dara Calleary** asked the Minister for Justice and Equality when he intends to publish legislation banning upward only rent reviews [5973/11]

Deputy Alan Shatter: I propose to take Questions Nos. 12 and 14 together.

The programme for Government indicates that legislation will be introduced to end upward-only rent reviews for existing leases. I am conscious of where it appears that unrealistically high rent levels are being maintained in the retail sector and that this has consequent negative effects on business viability and on employment. Given the difficult economic circumstances which continue to prevail, I am in the process of developing a legislative proposal which would ameliorate the burden being experienced by that sector as a result of such rent levels. I have already initiated consultations with the Attorney General such that this matter can be progressed as expeditiously as possible.

In addition to the legislation which has been specified in the programme for Government, I am also conscious that one of the difficulties with rent reviews is the absence of readily accessible and accurate information to determine the market rent payable in respect of any given set of commercial premises. The Deputy will be aware that I arranged for the restoration of the Property Services (Regulation) Bill 2009 to the Order Paper, as I mentioned earlier. The Bill is now awaiting Committee Stage. I intend to bring forward amendments to the Bill to provide for the establishment of a public database containing relevant details of letting arrangements and rent reviews in the commercial property market. This will be a particular help in providing a level of transparency that does not exist in this area at present. The Property Services Regulatory Authority will have responsibility for the management of this database.

The recommendation regarding the database was contained in a working group report which was published in August of last year. That report also contained a recommendation for the adoption, by landlords and tenants alike, of a rent review arbitration code which was drawn up by the experts who participated in the group and which was appended to the report. A particular feature of the code is that it contains detailed provisions dealing with the production of comparative evidence in relation to property transactions and it also places a firm duty on

all parties to disclose all relevant information in their possession. As matters stand, parties are free to specify that the code should apply in relation to rent review arbitrations. I welcome the endorsement of the code by a number of significant stakeholders in the sector.

Deputy Seán Crowe: We all hear anecdotal evidence about this problem. Has the Minister a sense of the extent of the problem? Is it known how many companies are affected by this issue? I note what the Minister said about the promised legislation on the matter but does he know the extent of this problem?

Deputy Alan Shatter: As the Deputy will be aware, there are substantial reports, particularly from the retail sector, of businesses being in substantial difficulty in circumstances in which they negotiated rents, particularly in the 2003 to 2007 period, which no longer reflect market reality and in circumstances in which in the context of the leases to which the businesses are tied there is provision for upward only rent reviews. Certainly it has been my experience that in a number of instances the owners of premises, or the landlords, have been willing on a voluntary basis to renegotiate rents with retailers in the context of them, I presume, realising they are better off having a tenant who can pay rent than having a vacant premises.

I appreciate the Deputy said the evidence on this issue is only anecdotal. I do not believe there has been any definitive statistic published on this but certainly a substantial number of retail outlets have been closed, some of them with substantial publicity, and these are businesses that would have remained viable if landlords, and often what I describe as the larger landlords, including pension funds, had been willing to be more realistic and renegotiate. Many of these had the potential to maintain a position as viable businesses, substantial employment has been lost and there is a public interest in addressing this issue. I do not want though to mislead the House in any way. I know there are certain constitutional difficulties in this issue being addressed and these I anticipate will form part of the consultation process that will result from my initial submission to the Attorney General's office.

Crime Levels

13. **Deputy Timmy Dooley** asked the Minister for Justice and Equality the number of arrests that have been made under the Criminal Justice Amendment Act 2009 [7067/11]

Deputy Alan Shatter: The Criminal Justice (Amendment) Act 2009 entered into force, in its entirety, on 23 July 2009. The primary purpose of the Act is to provide for additional measures with respect to the combating of organised crime, including measures in aid of the investigation of such crime.

I am informed by the Garda authorities that since the enactment of the legislation there have been 117 arrests recorded to 28 February 2011 for offences relating to organised crime. Those arrests have given rise to charges being proffered against eight persons for offences contrary to section 71A — directing a criminal organisation — and section 72 — participating in organised crime — of the Criminal Justice Act 2006, as inserted by the 2009 Act. These cases are currently before the courts.

As reflected in the Garda Policing Plan for 2011, and initiatives undertaken by the Garda Síochána, tackling serious and organised crime is a priority for the Garda Síochána and the force remains resolute in this commitment. Very significant efforts and resources continue to be directed on an ongoing basis to tackling organised crime. The State will be relentless in its approach in bringing those involved in such activities to justice.

[Deputy Alan Shatter.]

The House has, in recent times, given consideration to a number of legislative measures that were brought forward in an effort to strengthen the criminal law in relation to serious and organised crime. In addition to the measures contained in the Criminal Justice (Amendment) Act 2009, further measures, including those contained in the Criminal Justice (Surveillance) Act 2009 in relation to the admissibility of evidence obtained by covert surveillance and the Criminal Justice (Miscellaneous Provisions) Act 2009 in relation to the use of weapons, were the subject of scrutiny in the House.

The Criminal Justice (Amendment) Act 2009 and other legislation introduced in recent years have made a significant contribution in tackling this type of crime. However, I am keeping under review the question of whether improvements could be made to them which would render them more effective and in particular render them more effective in dealing with the issue of criminal gangs who are creating mayhem on our streets and who have been the cause of the death of a number of people in the county and city of Dublin and outside it.

Deputy Jonathan O'Brien: There have been 117 arrests and eight people have charges outstanding against them. Eight people seems a very low number. I appreciate there are difficulties in trying to get evidence and bring charges against people involved in organised crime. Has the Minister any proposals to help alleviate this situation to make it easier for the Garda to investigate and radically tackle organised crime?

Deputy Alan Shatter: I share the Deputy's concern with regard to the small number of prosecutions that have been initiated in this area. Ultimately, when a file goes to the Director of Public Prosecutions it is for him to determine whether it is appropriate that a prosecution be taken. This was an area to which I had given particular attention on the Opposition side of the House and arising from my concern about this matter, shortly after my appointment as Minister I asked officials in my Department specifically to review the workings of this particular area of criminal law. Even though it was only very recently enacted in this House, I am concerned there may be some frailties in it that need to be addressed. That is under very active consideration at present and if need be I will bring amending legislation before the House.

Question No. 14 answered with Question No. 12.

An Leas-Cheann Comhairle: We will move on to Question No. 15 in the name of Deputy O'Dea.

Deputy Seán Crowe: We seem to be taking on the role of the Opposition today.

An Leas-Cheann Comhairle: The Chair cannot get involved in that.

Deputy Seán Crowe: I have no problem with that.

Sexual Offences

15. **Deputy Willie O'Dea** asked the Minister for Justice and Equality his views on the commitment in the Programme for Government to introduce a series of post-imprisonment restraint orders for violent and sexual offenders [7068/11]

Deputy Alan Shatter: I welcome Deputy O'Dea's questions but it is unusual he did not regard them as sufficiently important to attend before the House but perhaps on the next occasion we have justice questions he might deem it appropriate to join us.

In the context of this question, the commitment to which the Deputy refers is the introduction of a series of post-imprisonment restraint orders for violent and sexual offenders to include electronic tagging and other restrictions, which may be imposed at the time of sentencing.

The Sex Offenders Act 2001 introduced the sex offenders' register, post-release supervision orders for sex offenders and civil orders restricting sex offenders in certain ways. Proposals aimed at amending the Act are at an advanced stage of development. Legislative proposals being considered include measures for the electronic monitoring of sex offenders in specific circumstances and changes with regard to civil sex offender orders to make it easier to apply to a court for such an order. During my time in Opposition I specifically pressed for the enactment of such legislation.

Apart from the post-release orders applicable to sex offenders, the law provides for a range of orders that may apply, post-release, to persons convicted of other offences. These include the registration requirement for drug trafficking offenders — Part 9 of the Criminal Justice Act 2006, the monitoring and protection of persons orders under section 26 of the Criminal Justice Act 2007 and post-release orders, in the case of serious offences, as provided for in section 14 of the Criminal Justice (Amendment) Act 2009.

When measures have been finalised for sex offenders, consideration will be given to what new measures may be appropriate to violent offenders. I am particularly anxious that we progress, at an early stage, the legislation with regard to the tagging of sex offenders so as to extend to the courts a facility, when dealing with sex offenders who are convicted, in addition to sentencing, to provide for tagging for a period following release from any term of imprisonment that may have been imposed.

Deputy Seán Crowe: There is great concern about the monitoring of such offenders, particularly in communities in the aftermath of a serious sexual attack in the area or the release of an offender, as we saw happen in the case of an individual recently who was no longer supposed to be in this country. There is concern about the monitoring of such offenders, the resources to provide for it and how it will be done. Will the Minister expand on that and on how we can secure support for this and possibly involve the community in this respect? Is there a way to build confidence in respect of this matter? There are major concerns with regard to a number of offenders who have been released. Some of these individuals are serial offenders. When they move out of a particular area, people become concerned with regard to whether adequate resources are in place and whether the Garda is monitoring their activities.

Deputy Alan Shatter: It is important that we should consider this issue in a comprehensive way. It is not just a question of what happens when an offender who has served a prison sentence is released. It also relates to how we approach these matters in the context of the Prison Service. There is a particular need to ensure those convicted of sexual offences participate in whatever sex offenders programmes might be available and that such programmes are of a sufficiently sophisticated and diverse nature to meet the different needs that exist.

One of the items of legislation I hope to bring forward in the future will involve re-examining the circumstances surrounding the granting of remission to sex offenders and certain other offenders to ensure that, on the question of good conduct and prior to release, they participate in appropriate programmes. International research has shown that participation in such programmes reduces the likelihood of reoffending. There can never be a guarantee that someone will not reoffend. It is in such circumstances that there are other methods which are of assistance in dealing with certain matters. I refer here to the Garda monitoring those who are on

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the sex offenders register. In addition, electronic tagging has an important role to play in the early period following the release of a sex offender.

We will have a greater opportunity to consider and debate these issues in the future. I may be suggesting that a general debate take place in order that Deputies might have the opportunity to express their views and to make a policy input into the legislation we are going to develop in this area.

Garda Deployment

16. **Deputy Aengus Ó Snodaigh** asked the Minister for Justice and Equality the steps he will take to further resource and develop community policing; and if he will make a statement on the matter. [7049/11]

Deputy Alan Shatter: The Government's National Recovery Plan 2011-2014 calls for a higher priority to be attached to community policing. Such policing lies at the heart of policing in Ireland. This point has been emphasised by the Garda Commissioner and endorsed by the Garda Inspectorate. It has informed the development of the recent Garda national model of community policing. This model, which has now been rolled out to all Garda districts nationwide, aims at building upon and enhancing good community policing practice. There will be a community policing team in each district which will be headed up by a sergeant. Clear objectives will be set, such as high visibility in the community, ease of contact by members of the public, and enhanced support for crime prevention strategies such as neighbourhood watch, community alert and business watch. The model recognises the need for dedicated community police officers and, on the latest date for which figures are readily available, there were 1,145 such gardaí. It is also worth emphasising, as the model does, that all gardaí have a role to play in community policing.

This enhanced community policing service will be monitored closely by the Commissioner and his senior management team and will be reviewed on an ongoing basis to ensure the best possible service is provided to the public. The Commissioner will have my full support in this development of community policing and I will take a keen interest in its progression. I have long been a believer in the efficacy of community policing, both in providing protection to local communities and in facilitating such communities to develop relationships with the members of the force in their areas.

Deputy Seán Crowe: One of the frustrations common among people in respect of community policing is that if a particular event is taking place — I refer to events such as those held at Marlay Park in the Minister's constituency — the first officers to be withdrawn are community gardaí. The position in this regard must be examined. If resources are scarce in a particular operation area, community gardaí are often deployed to guard former taoisigh, etc. I accept that this is a hot potato but when will the proposed changes in this regard be forthcoming? People want to see community gardaí being active in their areas. I accept that there is a need for policing when football matches are taking place at Tallaght Stadium in my constituency. However, there are also things happening in the community of which account must be taken. Local superintendents are obliged to take decisions on where to deploy officers.

Deputy Alan Shatter: If I could be parochial and refer to Dublin South, which is the constituency I represent, I am aware that community gardaí have attended events in Marlay Park, at the Dundrum festival and elsewhere over the years. These officers find it particularly valuable to be in attendance at such events because it gives them an opportunity to talk to many

members of local communities who also attend them. The events to which I refer are not all of the type which would give rise to major security concerns. Gardaí may simply be present to ensure people will rest safe in the knowledge that nothing untoward will occur. It is rare for something untoward to occur. Having a Garda presence at such events is extremely valuable. I am aware that a community day was held at Dún Laoghaire Garda station on a particular Sunday and local people were invited visit the station. Such events are extremely valuable.

On the issue of gardaí and former taoisigh, from the date when the announcement was made by the Government — approximately one week following its formation — a period of three months was to elapse before the latter's Garda drivers and State cars were to be withdrawn. Thereafter, former taoisigh will be obliged to make their own arrangements. If I am correct, we are nine weeks or so away from this being implemented. I hope the Deputy will forgive me if my calculations are out by one week.

Deputy Seán Crowe: It will certainly be within the first 100 days in any event.

Written Answers follow Adjournment Debate.

Adjournment Debate Matters

An Leas-Cheann Comhairle: I wish to advise the House of the following matters in respect of which notice has been given under Standing Order 21 and the name of the Member in each case: (1) Deputy Dominic Hannigan — the need to progress the development of Dunboyne College of Further Education, County Meath; (2) Deputy Joe Costello — the need to introduce legislation to abolish the Smithfield horse fair, Dublin; (3) Deputy Jonathan O'Brien — the transfer of services from St. Mary's Orthopaedic Hospital, Cork, to the South Infirmar-y-Victoria University Hospital; and (4) Deputy Thomas Pringle — the recently announced terms of the agri-environment options scheme.

The matters raised by Deputies Dominic Hannigan, Joe Costello, Jonathan O'Brien and Thomas Pringle have been selected for discussion.

Adjournment Debate

Adult Education

Deputy Dominic Hannigan: I congratulate the Minister of State, Deputy Cannon, on his appointment and wish him well in his new role. We previously served together in the Seanad.

I welcome the opportunity to discuss the issue of post-leaving certificate courses, or PLCs as they are also known. Such courses were introduced in 1985 and have been a tremendous success, with hundreds of thousands of students throughout the country attending them. In counties Louth and Meath they have been of great assistance in allowing people to obtain additional qualifications in child care, community care, telecommunications, etc. I have taken a keen interest in the PLCs offered in my locality at the Dunboyne College of Further Education. I have attended many of the college's graduation ceremonies and I will be attending the next one in early May. I am always struck by the level of enthusiasm and hope among the students at such ceremonies.

Dunboyne College of Further Education was established a number of years ago as part of St. Peter's community college, which is the local secondary school. The numbers attending the college have increased significantly, with a current enrolment of 380 students. However, the

[Deputy Dominic Hannigan.]

maximum number of students in respect of which the college receives funding — that is, the cap — is only 233. If effect, therefore, it is educating almost 150 students without receiving any money at all in respect of them.

I raised this matter when I was a Member of the Upper House and the then Minister lifted the cap. However, we are still at the point where the cap which applies in County Meath is below the national average. As a result, an increase must be forthcoming. The benefits of introducing such an increase will be clear to people who attend colleges such as that to which I refer. More people would certainly attend such institutions if further places were available. The agreed programme for Government contains a commitment to increase the number of places available in education and, in such circumstances, I ask the Minister of State to increase the cap at Dunboyne.

I also wish to refer to the issue of accommodation at the Dunboyne College of Further Education. The college rents premises in the local industrial estate. It has managed to secure a site nearby, however, which is adjacent to the new Dunboyne rail station and the local bus stop and which would accommodate a new campus. I understand the site has been zoned and that work can proceed. I have also been told that officials in the Minister's Department are well aware of the proposal. I ask the Minister to provide us with the view of the Department on the development of the site. Has the Minister investigated the potential development of the site as a campus? If so, does he have a timescale for when the site might be developed?

I appreciate the Minister's time on this matter.

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): I thank Deputy Hannigan for raising this issue and for his words of congratulations. I reciprocate by congratulating him on his election to Dáil Éireann. I know how much it means to him.

Dunboyne College of Further Education is managed through St. Peter's College, Dunboyne by County Meath VEC to provide courses under my Department's post-leaving certificate programme. The PLC programme is a self-contained whole-time learning experience designed to provide successful participants with specific vocational skills to enhance their prospects of securing lasting, full-time employment or to progress to other studies. It caters for those who have completed senior cycle education and require further vocational education and training as well as adults who may not have completed the senior cycle but who are returning to education and who have skills and competencies which enable them to undertake the courses.

There are almost 31,700 approved PLC places nationwide enabling almost 38,700 learners to participate in PLC courses. This is a commendable achievement by VECs and other PLC providers and I hope this can be maintained. For each approved place, my Department provides a staffing allocation and non-pay capitation. The majority of these places are provided by VECs in recognised VEC schools and stand-alone PLC colleges, but also in voluntary secondary schools and community and comprehensive schools across the country. There are almost 200 approved PLC centres nationwide. Places are allocated to VECs and other providers on an annual basis following an application process, and VECs are responsible for the further allocation of those places to schools and colleges under their aegis. Separately, following an annual application process, my Department approves PLC courses to be delivered. PLC courses are generally of one or two years duration and are at levels 5 and 6 on the national framework of qualifications.

The number of PLC places allocated to County Meath VEC has more than doubled in the past five years, from 136 in the 2004-05 academic year to 306 for the current academic year

2010-11. The VEC delivers PLC courses in three approved PLC centres: Dunboyne College of Further Education; St. Oliver's Post-Primary School, Oldcastle, and Beaufort College, Navan. There is also one other approved PLC provider in County Meath: Boyne Community School, Trim, which has an allocation of 22 places. This means there are almost 330 PLC places in County Meath. Enrolment data for the 2010-11 academic year provided by schools to my Department, indicates that total PLC enrolment in County Meath VEC is 470 and that there is a total of 380 PLC learners enrolled in Dunboyne College of Further Education.

On the development of Dunboyne College of Further Education specifically, I must inform the Deputy that my Department has no record of receiving an application for funding for capital works in respect of the college.

All schools are eligible to submit an application for major capital funding to my Department. Any application received will be assessed in accordance with the published prioritisation criteria for large scale building projects and in the context of my Department's multi-annual school building and modernisation programme. 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.

On PLC provision nationally, the number of approved PLC places is set at its current level of 31,688 because there is a continuing requirement to plan and control numbers and to manage expenditure within the context of overall educational policy and provision.

The programme for Government contains a commitment that the Government will create an additional 60,000 places across a range of education and employment programmes for the unemployed. Within this total an additional 30,000 training places will be delivered across the education and training system. My Department will work with education and training providers to deliver these additional places over the coming period.

Smithfield Market

Deputy Joe Costello: It is with a heavy heart that I seek legislation to abolish the Smithfield horse fair. My colleagues and I in Dublin Central and my former colleagues on Dublin City Council have been dealing with the matter for a number of years. The Minister would have known about this when he was a member of Dublin City Council.

The fair in Smithfield has been in existence for centuries. Cattle, vegetables, hay and fruit were traded in Smithfield and the fish market was just down the road. All of this was an integral part of the area and the tradition of trading activity is a long one. The horse fair is a more recent feature but nevertheless has trading rights in the area.

Dublin City Council made major investment in the area through the Heritage Area Rejuvenation Project, HARP, which changed a derelict part of the inner city into an area with quite an amount of residential and retail property. The city council invested in the area and encouraged private investment to develop the area. At present, €5 million is being spent on further enhancement. Quite a number of residents live in Smithfield and there is an amount of retail activity.

However, the area has been dogged by certain difficulties, one of which is the horse fair. We sought to deal with some of these difficulties through the Control of Horses Act 1996. We sought alternative accommodation for the horse fair and set up an equestrian centre in Ballyfermot.

[Deputy Joe Costello.]

Nevertheless, the problem remains. The fair has degenerated to an unacceptable degree. There have been serious problems which pose a danger to life and limb and to animal welfare. The space is more constricted than in the past and will be further constricted by the enhancement works that are taking place. We must accept that one cannot have a major horse fair in the heart of the capital city, with horses streaming in from different suburban areas. Some come on foot along the streets and are taken away in the same fashion, with all that entails for the roads and pavements.

I ask the Minister to look at the possibility of finding an alternative site, although it is difficult to see where that alternative site can be found. It is time for this House to decide whether Smithfield is an appropriate location for horse trading, which is in itself a desirable activity and takes places in many parts of the country. If we decide Smithfield is not an appropriate location, and all the arguments seem to be to that effect, we should move speedily, introduce legislation and abolish the present horse fair in Smithfield.

Minister for Enterprise, Jobs and Innovation (Deputy Richard Bruton): I thank Deputy Costello for raising this important issue today. As Deputy Costello has acknowledged, he and I have had some private discussions on this matter and also with Deputy Paschal Donohoe. This is a problem, but an extremely complex one, as the Deputy is aware.

The Smithfield market has existed as a market for some centuries. Its remit is under the Dublin Corporation Act 1890, which gave the Corporation powers to set fees and take tolls. The Act also set out the geographic limits of the market. The Casual Trading Act 1980 introduced a dual system whereby my Department issued a national casual trading licence and those local authorities who wished to regulate within their own functional areas could if they so wished issue a local casual trading permit. National marketing licences were regulated by the Department and local licences were regulated by the city council. It was decided in 1995 that a national Department regulating local markets was an anomaly and the Casual Trading Act 1995 devolved all operational matters relating to casual trading to the local authorities.

Section 2(1) of the Casual Trading Act 1995 defined casual and gave local authorities the ability to regulate. It was recognised in that Act that there existed so-called ancient market rights and these were treated differently. Section 1(1) of the Casual Trading Act 1995, defines a market right as, “a right conferred by franchise or statute to hold a fair or market, that is to say, a concourse of buyers and sellers to dispose of commodities”. Many of these market rights arose prior to 1922 and many are contained in charters granted by monarchs or local nobility to individuals or to towns or cities. Others are statute based usually from the nineteenth century. Whereas the Act of 1980 excluded selling goods in public places pursued under a market right, the Act of 1995 brought this category of selling clearly within the ambit of casual trading legislation.

Given that the selling of goods in a public place pursuant to a market right was a special category of selling, casual trading legislation had special provisions to deal with them. In the case of trading in what might be termed ordinary casual trading areas the local authority can designate the trading pitches and likewise remove this designation once they comply with all the procedures in section 6 of the Act. The situation regarding trading in areas covered by the more ancient market rights is different. The legislation allows local authorities to regulate trading in areas covered by a market right but to remove or to extinguish this market right requires a special procedure. This is described in section 8 of the Casual Trading Act 1995. The most important provision of that section is that in order to extinguish a market right the local authority must provide “alternative facilities in the same vicinity as the market or fair to

which the right relates and comprising or including facilities reasonably corresponding in all respects, having regard to all the circumstances, to the market or fair". Further, the local authority must publish notice of its proposal to extinguish the market right and must give notice in writing to anyone appearing to the local authority to have an interest in the right. Under section 8(5)(a) of the Act of 1995, any person aggrieved by the proposal to extinguish the market right can appeal to the District Court and from there to the Circuit Court. The extinguishment of a market right is a reserved function for the members of a local authority. Therefore it is clear that there is a procedure for extinguishing a right like that in Smithfield but in all cases the local authority has the legal competence to acquire that right either by agreement or compulsorily. If this happens the local authority can go through the process I have just described in section 8 to extinguish the market right and this is what can lead to a complication of the market in question.

The lord mayor of Dublin has written to me requesting me to introduce legislation to extinguish the market right at Smithfield and Deputy Costello has reiterated that request. However, it is clear that this law is complex and each market may have to be examined in its own right, bearing in mind the statute or charter under which it was established and the history of regulation of that market right over time. My Department has made a detailed submission to the Office of the Attorney General seeking advice on the matter and the Department's powers in this area. It is not open to me as Minister and I would not be the competent authority to find alternative sites under the existing legislation were the council to proceed in that way. The council would be better placed to identify alternative sites within its own remit than would my Department.

The legislation covering casual trading covers the sale of goods. However, there are other interests involved in the Smithfield market which concern other competent public bodies. The events at the market in early March were of a public order nature. There is also an issue of animal welfare. These events arose out of various public order offences. The policy on public order is a matter for my colleague, the Minister for Justice and Equality and on an operational basis for the Garda Síochána. Concerns have been expressed regarding animal welfare which is covered under the Control of Horses Act 1996 and the Protection of Animals Acts 1911 and 1965. These Acts provide considerable scope for the local authority to control all aspects of the behaviour of horses and their owners in urban and other areas. There may be another dimension by means of those Acts to pursue this matter. While it is clear that existing legislation allows for the regulation of the sale of horses in the market in Smithfield, and there is the power of extinguishment, this is on the basis of Dublin City Council finding alternative sites if it is initiating that power. I will wait to see if other dimensions to this legislation would allow some other solution to be sponsored through my Department. I look forward to receiving the advice of the Attorney General on this matter.

Agricultural Schemes

Deputy Thomas Pringle: I refer to the announcement yesterday of the agri-environment options scheme, AEOS, scheme for 2011 and this is to be welcomed. However, there is great disappointment within the farming community at the cap placed on the expenditure and entry into the scheme. The Minister for Agriculture, Fisheries and Food, Deputy Simon Coveney, has announced the scheme for 8,000 applicants with an expenditure limit of €25 million. Given that the average payment to farmers under last year's scheme was €4,200, this means that to have a scheme equivalent to last year would require funding of over €33 million. Farmers can

[Deputy Thomas Pringle.]

now expect to have the amount of funding allocated per successful applicant to be reduced significantly to meet the budgeted target, a reduction of over €1,000 per applicant.

It is expected that 11,000 farmers nationally will come out of REPS 3 this year. With only 8,000 places available, very few farmers with marginal land in disadvantaged areas will qualify for entry. Based on this allocation, the scheme will barely provide for farmers with land in commonage, SACs and SPAs. In County Donegal alone, 840 farmers will be coming out of REPS this year and a further 1,040 next year. Many farmers in areas of Donegal, from Killybegs through Dunkineely, Donegal town to Laghey, will have little hope of gaining entry to this new scheme. This will mean they will suffer a significant drop in income support. The REPS and AEOS schemes are environmental protection schemes but as well as protecting and enhancing the environment REPS have in particular become vital in supporting farm families, as will the agri-environment options scheme, AEOS.

The schemes have also contributed to the local economy by providing income to local traders and suppliers where farmers have sold supplies in their local community to enhance their farms. The consequence will be depressed demand in the local economy and with the subsequent loss to the State in VAT and income tax returns. I fail to see, when 50% of the funding comes from the EU to support this scheme, why the Government could not find sufficient revenue to support a scheme with at least as much funding and access as the AEOS from 2010.

During the election campaign, Fine Gael candidates all over the country gave cast iron guarantees to farmers and IFA representatives that the AEOS would be protected and continue in the same form as existed at the time. Farmers took these promises in good faith and now feel a sense of betrayal when just a few short weeks into government, the new AEOS has been significantly reduced. They are very worried when they read the press release from the Minister's office, which states: "Due to the diminishing resources available to the Department in the coming years the Minister confirmed that significant savings would have to be achieved across a wide range of schemes and services in the 2012 Vote for his Department". Farmers should be worried because based on this announcement there will be greater reductions in available schemes for farmers. In the case of County Donegal, with 1,040 farmers coming out of REPS next year, there will be little hope of an adequate scheme for them to apply to. The closure of REPS by the previous Government and now the reduction of the AEOS will undermine confidence and will hit vulnerable less profitable cattle and sheep farmers. Farmers need a stable replacement scheme and not be left wondering what cuts will be made in coming years.

Farmers have to question the Government's commitment to Food Harvest 2020 and the role the Government foresees for the farming sector in the economic revival of rural areas. Food production and security should be an essential part in the overall strategic interests of the country but this reduction in supports and, as the Minister has indicated, further reductions next year and onwards, will leave farmers wondering where rural Ireland stands in the Government's plans.

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): I thank the Deputy for raising this matter as it gives me an opportunity to provide some clarity on a number of the issues he raised. I recall vividly while in Opposition being extremely frustrated with Ministers who chose to read long scripts and offer history lessons on schemes which were not relevant to the questions being asked. I will, therefore, address the specific issues the Deputy raised without recourse to my script, which he can read at a later stage as it contains some useful information.

I will comment first on the commitment given on the agri-environment options scheme, AEOS, by Fine Gael Party candidates during the election campaign. This commitment was based on the announcement by the previous Government that an agri-environment options scheme would be introduced, which would be worth €50 million and would have a ceiling of €5,000 for each of the 10,000 likely applicants. We assumed the scheme was accounted for in the four year expenditure and budget plan to which the Government signed up. When I entered my Department five weeks ago, however, I encountered a problem in respect of the scheme.

I understand the important role environmental schemes, including the rural environmental protection scheme, have played in the past five to ten years, especially in disadvantaged areas along the west and north-west coasts. Having been to agricultural college, I also understand the farming community. It was a major challenge for me to put in place an agri-environment options scheme because I was informed that the budget for this year and next year does not make any allocation for the scheme announced by the previous Government. Instead, we have a commitment under the four year plan to reduce current expenditure in my Department by €60 million. I was told in no uncertain terms by the Department of Finance that if I wanted to sponsor a new agri-environment options scheme to the tune of €30 million, €40 million or €50 million, I must find equivalent savings in my Department. This requirement arises from the expenditure ceilings to which we have signed up as part of the bailout deal if we are to access the stability fund. This is simple reality and I will not pretend it is not a problem. I and my officials must find imaginative solutions in next year's budget to try to minimise cuts in expenditure and payments in farmers. We will spend the entire summer trying to find these solutions.

I was determined to introduce an agri-environment options scheme because, as Deputy Pringle noted, approximately 11,000 farmers are completing REPS in the expectation that they will be able to avail of a new environmental scheme which will encourage them to farm in an environmentally friendly manner and supplement their income. For many farmers, REPS payments make up their entire profits. I had an obligation to try to do something for this group by prioritising them in any scheme I proposed to introduce. I have done this in the agri-environment options scheme. Farmers from special areas of conservation, special protection areas and commonage areas will have automatic access to the scheme and will be given priority over all other farmers.

The Deputy is correct that I have imposed an expenditure ceiling of €25 million on the scheme for next year and the year thereafter and we have set a maximum payment per applicant of €4,000. The average payment last year under the agri-environment options scheme was €3,800, not €4,200 as the Irish Farmers' Association has stated. I corrected representatives of the IFA on this figure when I met them last night. I deliberately set the payment ceiling for applicants entering the scheme in the coming months at a level higher than the average payment for last year.

The Department estimates that the average payment next year and in 2013 will be between €3,000 and €3,500, with the figure in commonage areas likely to be at the higher end of the scale. We also expect between 7,500 and 8,000 applicants for the scheme. Approximately 4,000 and 4,500 farmers located in special areas of conservation, special protection areas and commonage areas may apply for the scheme. They will be automatically entitled to payments provided they meet the criteria and will be given priority. The remaining places, of which there will be roughly 4,000, will be determined on the basis of whether an applicant was previously in REPS and on farm size. In other words, we will prioritise farmers with smallholdings and those who do not have significant income from commercial farming or have had their income

[Deputy Simon Coveney.]

supplemented by environmental farming or other support schemes such as disadvantaged area payments.

I would have found it impossible to secure approval from the Department of Finance to pay out more than the ceiling of €25 million for next year and 2013. It would not have been possible for me to achieve sufficient reductions in expenditure in other areas to meet a higher cost.

I have fought for the past two weeks to ensure we have an agri-environment options scheme that would enable me to offer something to farmers emerging from the rural environmental protection scheme, specifically in Deputy Pringle's area of the north-west. I accept the scheme does not meet everyone's expectations. Farmers in receipt of REPS payments of €12,000 or €15,000 are facing a payment next year of €4,000, which is a significant decline in income. I accept that the position is not ideal and wish I could have established a scheme worth €50 million for the next two years. I would have done so if I could have afforded such a scheme but I had to battle to have €25 million allocated to the scheme. Even this will cause major headaches for me in the four or five months leading up to the Estimates process.

I will not mislead farmers, as the previous Government did, by pretending we have easy solutions when no such solutions are available. There is much good news in farming in terms of prices. The agri-environment options scheme should be welcomed on the basis that something is available, although I accept it is a disappointment for many farmers who were expecting more. I will continue to maximise the payments I can allocate directly to farmers by making the necessary reductions in expenditure and finding efficiencies and making savings, where appropriate. However, I do not have access to a pot of gold, nor would the Department of Finance allow me to source money that does not exist.

I have allocated a significant amount of money and I am prioritising those who need it most, the majority of whom come from the Deputy's part of the country.

Hospital Services

Deputy Jonathan O'Brien: I thank the Ceann Comhairle for giving me an opportunity to discuss the proposed transfer of services from St. Mary's Orthopaedic Hospital to the South Infirmary. The former hospital is located in a large green area on the north side of Cork city, has plenty of space available to it to develop and expand services and has one of the lowest infection rates of any hospital in the State. It also has ample room for parking and is located on a bus route and near local services. As an orthopaedic hospital set on large grounds, it is clearly ideal for orthopaedic patients.

Under the hospital reconfiguration plan, it is proposed to move the services of St. Mary's Orthopaedic Hospital to the South Infirmary, a city centre hospital located on a cramped site with no parking space and with access problems. The proposal does not make any sense. If services are moved to the South Infirmary, fewer orthopaedic beds will be available.

Prior to the general election the Fine Gael Party gave, in its own words, a "cast iron guarantee" that, in government, it would ensure that St. Mary's Orthopaedic Hospital remained open and services would not be transferred to the South Infirmary. The current Minister, Deputy James Reilly, supported this guarantee. In light of a debate which has arisen since the general election on whether Fine Gael gave a cast iron guarantee or simply promised to hold a review, I checked the statements made prior to the election and listened to a number of radio debates. In fact, a review was not mentioned. The statement made was that if Fine Gael was in govern-

ment, the hospital would stay open and services would not be transferred. As a result, people feel very betrayed. A U-turn is happening here.

The review being undertaken is a sham for several reasons. We have yet to be told the terms of reference for the review, who will carry out the review or how long it will take. Will patients and members of staff be consulted? When will a report be published on foot of the review? When will a decision be made on the transfer of services? I will explain why those questions are important. I accept that the Minister, Deputy Reilly, has said services will not be transferred while this review is taking place. Work is ongoing in the South Infirmary, however, to ensure it will be ready to accept these services after it has been decided to transfer them. We are being told the transfer of services has been halted pending the outcome of the review ordered by the Minister, but at the same time the review is being undermined by the continuation of work at the alternative site. The operating theatres are being constructed and other work is proceeding. If the work at the South Infirmary is not halted for the duration of this review, we will reach a stage at which the transfer of services to that location will become financially viable. The people of my constituency are angry about that. The work that is under way at the South Infirmary has to cease now.

There is a perception — to be honest, it is fair — that the review is potentially no more than a smokescreen. When I met hospital workers last week, we realised we share the opinion that the Government wants to get to a point at which the work at the South Infirmary site has progressed so far that there is no option other than to transfer these services. The people of my constituency of Cork North-Central, which has been neglected by a Fianna Fáil Government for 14 years, would like to be reassured that this is not the case. As a result of their decision to vote for change, Deputy Dara Murphy, who is present for this debate, and I were elected to represent the constituency in this Chamber. The people were tired of Fianna Fáil Government, tired of broken promises and tired of a lack of investment in the constituency. They wanted something different. There is no way the people I represent will take this decision lying down.

The time for political rhetoric has ended. When I tabled a written question on this matter to the Minister two weeks ago, the answer I received was not worth the paper on which it was written, to be honest. I wish to specify the questions I want answered. The people of Cork North-Central deserve to get answers. I am not interested in scripted responses. I asked for this Adjournment debate so that I could put these questions and get answers to them. People want clarity on this issue. What are the terms of reference for the review? Who will carry out the review? When will it start? When will it finish? When will the Minister publish its findings? Will the review consult patient groups and members of staff? We want a cast-iron guarantee that the Minister will give a commitment to stop work at the South Infirmary site pending the outcome of the review.

Minister of State at the Department of Health and Children (Deputy Róisín Shortall): I am responding on behalf of the Minister, Deputy Reilly. I thank Deputy O'Brien for raising the issue. The Minister recently asked the HSE to identify any cases in which it plans to withdraw services from individual acute hospitals in the coming months and to brief the Minister on the circumstances and implications in each case. I assure the Deputy that this is not a smokescreen. The Minister has made it quite clear that he wants the HSE to set out its intentions in an up-front and clear manner. Pending such a briefing, the Minister has asked the HSE not to withdraw or transfer any acute services. If the HSE considers that a change in service arrangements is urgently needed in an individual case, the Minister has required the HSE to inform him of the reasons for this and the steps being taken.

[Deputy Róisín Shortall.]

In May 2010, as part of a wider plan to organise acute hospital services in the Cork and Kerry region in the safest and most efficient way, the HSE announced its intention to relocate orthopaedic services, including elective inpatient, rehabilitation, trauma and day surgery, from St. Mary's Orthopaedic Hospital to the South Infirmary Victoria University Hospital. This would involve the establishment of a new paediatric orthopaedic service in the South Infirmary Victoria University Hospital to cater for the needs of children from the region who currently attend Our Lady's Children's Hospital in Crumlin. The proposals involve the retention of remaining services, such as mental health, intellectual disability, ambulance, outreach maternity and health centre services, at the St. Mary's Orthopaedic Hospital campus. They also involve the provision of a new community nursing unit to provide 30 replacement and 20 new residential places for older people.

The Minister will discuss these issues with the HSE in the context of the provision of acute hospital services in a clinically appropriate and efficient manner. Pending the completion of this process, there will be no change to the current service arrangements at St. Mary's Orthopaedic Hospital. I take the Deputy's point that the undertaking of reviews while work is ongoing can be a self-fulfilling operation. I will relay that point to the Minister, Deputy Reilly.

The Dáil adjourned at 5.30 p.m. until 2.30 p.m. on Tuesday, 12 April 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 16, inclusive, answered orally.

Departmental Bodies

17. **Deputy Denis Naughten** asked the Minister for Justice and Equality the plans he has to reform the immigration system; and if he will make a statement on the matter. [7009/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): The Government's plans for the immigration system are outlined in the Programme for Government which commits to the introduction of comprehensive reforms to the immigration, residence and asylum systems including a statutory immigration appeals mechanism, which will articulate rights and obligations in a transparent manner.

Deputies will be aware that the Immigration, Residence and Protection Bill 2010 has been restored to the Dáil Order paper. It is my intention to bring forward amendments to the Bill at Committee Stage. One of my main objectives is to provide for a transparent and efficient immigration system which will support the overall economic and social goals of the Government. This will be complemented by a commitment to fair procedures for migrants supported by the statutory appeals mechanism which I have asked my officials to develop.

The Programme for Government also elaborates on programmes in key sectors which will be supported by specific immigration initiatives.

- I will explore with my Government colleagues the possibility of a new agreement on visitor visas with the United Kingdom, offering tourists the opportunity to visit the UK and Ireland with one visa, at a reasonable cost to tap into the tourism market for significant events such as the forthcoming 2012 Olympics.
- The recent launch of the Education Ireland brand underpins the Government's commitment to encourage more international students to study in Ireland and to create new jobs in the sector. Our target is to double the number of international students studying in Ireland with a particular focus on students from India, China and the Middle East. To that end we will overhaul the student visa regime and ensure that advertising, diaspora policies and quality assurance systems are strategically developed

[Deputy Alan Shatter.]

to best position the international education sector. I am aware that a lot of work has already been done in this area and in some cases it is a matter of bringing that process to a speedy and successful conclusion.

- We will also look at the immigration regime to see what we can do to provide further encouragement to postgraduates and researchers. We will also permit postgraduate students to be allowed to work in Ireland for up to a year after they complete their studies. High-value research students will be permitted to bring families if they are staying more than two years.

I am also of the view that we need to look at how we can use the immigration system to tap into the entrepreneurial capacity of current and future migrants and also to bring investment into Ireland. My Department is looking at proposals in this area.

The commitments regarding the immigration system will be underpinned by the Government's programme for public sector reform. In addition to the independent appeals mechanism which I have already spoken of, we will examine the structures which deliver immigration policies with a view to improving overall performance and added value for the taxpayers. We have committed to the efficient processing and determination of citizenship applications within a reasonable period of time and already I have asked my officials to consider the administrative or legislative reforms which will be required in this area. I am determined to ensure that progress in reducing backlogs in this area is made at an early date.

The Deputy will also be aware of the commitment in the programme for Government in relation to the potential transfer of responsibility for the Passport Office to my Department.

Official Transport

18. **Deputy Gerry Adams** asked the Minister for Justice and Equality if he will set out the changes that have been made to services for former Taoisigh; and if he will make a statement on the matter. [6580/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): The Government's Programme for National Recovery 2011-2016 contains a commitment to halve the costs associated with providing official transport and to secure the release of Garda drivers for normal policing duties.

In line with that commitment, the Government has decided that former Taoisigh will no longer be supplied with official transport, other than for important State occasions. The relevant parties have been notified of the Government decision and the new arrangements will take effect on the 16th of June 2011.

National Disability Strategy

19. **Deputy Jonathan O'Brien** asked the Minister for Justice and Equality his plans to ratify the Convention on the Rights of Persons with Disabilities. [5319/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): It is the Government's 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 become party to treaties until it is first in a position to comply with the obligations imposed by the treaty in question, including by amending domestic law as necessary.

The ongoing implementation of our National Disability Strategy in many respects already comprehends many of the provisions of the Convention. In addition, the Inter-Departmental Committee on the UNCRPD monitors the remaining legislative and administrative actions required to enable the State to ratify the Convention. The Committee has developed a programme on which work is progressing to address the matters that need to be aligned with the UNCRPD.

One of the key requirements in this regard is the enactment of mental capacity legislation. The Government's Legislation Programme announced on 5 April 2011 indicates that the Mental Capacity Bill is expected to be published in late 2011. The Bill will replace the Wards of Court system with a modern statutory framework governing decision-making on behalf of adults who lack capacity. The passage of this Bill will add substantially to the overall progress on implementation of the requirements towards ratification of the Convention.

Military Neutrality

20. **Deputy Micheál Martin** asked the Tánaiste and Minister for Foreign Affairs if he will reassure the Houses of the Oireachtas of his commitment to protect Ireland's tradition of neutrality. [6845/11]

Tánaiste and Minister for Foreign Affairs (Deputy Eamon Gilmore): The Government is fully committed to protecting Ireland's traditional policy of military neutrality, characterised by non-participation in military alliances. Over the years, this policy has served us well. It has helped us to speak with a distinctive and independent voice on many of the key challenges facing the world in relation to the maintenance of international peace and security. It has also reinforced our ability to contribute effectively to international peacekeeping operations and conflict resolution efforts. Successive Governments have not interpreted neutrality as meaning that Ireland should avoid international engagement. Rather, they have considered that it enhances our capacity to make a direct and significant contribution to the promotion of global peace and stability through the UN, the European Union and in bilateral action.

In common with several other neutral and non-aligned States, Ireland is willing to participate in peace operations authorised by the United Nations, whether these are undertaken under direct UN command or are led by the European Union or by NATO. There is no doubt that our non-membership of military alliances strengthens our acceptability and standing in areas which are experiencing conflict and enables us to make a highly regarded and effective contribution to such operations. The Government intends to protect this tradition of military neutrality and the values and principles associated with it which form a key part of Ireland's foreign policy.

Passport Applications

21. **Deputy Michael Creed** asked the Tánaiste and Minister for Foreign Affairs the criteria established for a UK citizen to acquire an Irish passport; the circumstances if any, in which these criteria may be waived; and if he will make a statement on the matter. [7173/11]

Tánaiste and Minister for Foreign Affairs (Deputy Eamon Gilmore): The Passports Act, 2008 provides in broad terms that the Minister for Foreign Affairs shall be satisfied as to the identity of each applicant for a passport and that the person is an Irish citizen before a passport is issued to him/her. The Minister has no discretion in awarding a passport to an individual who is not an Irish citizen. The entitlement to Irish citizenship is complex with many variables including, in this case, whether the UK citizen was born in or not born in Ireland; born to an Irish parent or born to an Irish grandparent; or whether the UK citizen was resident in Ireland.

[Deputy Eamon Gilmore.]

Born in Ireland

Anyone born on the island of Ireland on or before 31 December 2004 is entitled to be an Irish citizen. The citizenship entitlement of every person born on the island of Ireland on or after 1 January 2005 is governed by the citizenship of the person's parents at the time of the person's birth or the residency history of one of the parents prior to the birth.

Born to an Irish Parent

A UK citizen who has a parent who is an Irish citizen is automatically entitled to Irish citizenship.

Born to an Irish Grandparent

A UK citizen who has a grandparent who is an Irish citizen may apply for Irish citizenship through the Foreign Births Registration legal process either to the Irish Diplomatic or Consular Mission nearest to where the applicant normally resides or, if resident in Ireland, to the Consular Section, Department of Foreign Affairs, St. Stephen's Green.

Residency

Naturalisation is a process whereby a non — national can apply to become an Irish citizen. Applications are decided by the Minister for Justice, Equality and Law Reform. In addition to certain character requirements, an applicant must have had a period of one year's continuous reckonable residence in the State immediately before the date of the application and, during the eight (8) years preceding that, have had a total reckonable residence in the State amounting to four (4) years.

These are just some of the variables in this complex area. In this context, the Deputy may wish to raise a specific question with Joseph Nugent, Director of Passport Services, by contacting him directly at 01- 6733558.

Proposed Legislation

22. **Deputy John Paul Phelan** asked the Minister for Finance his views on the inequity between licensing laws governing pubs, in which a fee is charged based on the turnover of the premises, and licensing laws governing supermarkets and other outlets, in which a flat fee is charged based on this; his plans to introduce any changes to the licensing laws; and if he will make a statement on the matter. [7143/11]

Minister for Finance (Deputy Michael Noonan): It is assumed that the Deputy is referring to the annual alcohol excise licence fees payable by the on- and off-trade respectively. In that context it has to be recognized that the main Exchequer receipts for the sale of alcohol arises from excise on alcohol products, which for example yielded €968m in 2009, compared to a yield of around €13.6m in respect of all alcohol excise licence fees.

Off-licence owners require a licence for each type of alcohol they sell, for each premises. Excise duty on off-licences is currently set at €500 each per licence for a beer, wine or spirits off-licence, having been increased in recent years. This means that a typical off-licence premises, including a supermarket, offering the full range of alcoholic beverages for sale will have three off-licences and will be paying €1,500 per annum in duty.

Pubs have a graduated licence duty fee structure based on turnover ranging from €250 to €3,805 (total of 6 bands). However, over 70% of pubs fall within the two lowest bands and pay excise duty of €505 or less. Some 85% of pubs pay annual licence fees of €1,140 or less — i.e.

well below the usual full off-licence trader at €1,500 per annum. Indeed only around 10% of pubs pay licence fees that are clearly above those of off-licence traders, but the amounts involved are minor compared to the overall tax take otherwise from alcohol. The average licence fee paid by the on-trade is around €778.

It is difficult, therefore, to accept that there is a great deal of inequity in the present arrangements.

23. **Deputy Micheál Martin** asked the Minister for Finance his plans to hold a referendum to protect the rights of citizens to communicate in confidence with public representatives and if he feels this is still appropriate following the publication of the Moriarty report. [6662/11]

Minister for Finance (Deputy Michael Noonan): As the Deputy may be aware, the Programme for Government contains a commitment to a referendum to protect the right of citizens to communicate in confidence with public representatives. In addition, there is a commitment that we will legislate and change Dáil standing orders to ensure the absolute confidentiality of information entrusted to members of the Dáil by their constituents or informants, and ensure that such information cannot be compulsorily disclosed through the legal process except with the consent of the informant. The Minister for Public Expenditure & Reform is currently developing proposals to meet these commitments, having regard for a range of issues including the Moriarty Report.

Financial Services Regulation

24. **Deputy Finian McGrath** asked the Minister for Finance the position regarding insider trading (details supplied). [7081/11]

Minister for Finance (Deputy Michael Noonan): As Minister for Finance I have no function in the matter raised by the Deputy. The Central Bank of Ireland has informed me that insider trading in shares admitted to trading on the main market of the Irish Stock Exchange is governed by the Market Abuse (Directive 2003/EC) Regulations, 2005. Insider trading in shares admitted to other markets run by the Irish Stock Exchange is governed by Part Five of the Companies Act, 1990.

Under the Market Abuse Regulations, the Central Bank of Ireland is the competent authority for supervising market activity. It currently has a delegation arrangement in place with the Irish Stock Exchange under which the Irish Stock Exchange conducts certain market monitoring functions for it. There are close operational ties between the two bodies. Notwithstanding the delegation arrangement, the Central Bank has been building up systems and procedures to monitor trading itself. I am assured that recent trading in the relevant Irish financial sector shares is subjected to monitoring and analysis in accordance with those procedures.

Shares listed on ESM are monitored by the Irish Stock Exchange and the Office of the Director of Corporate Enforcement has an enforcement role.

The Deputy should bear in mind that while patterns of market trading may be suggestive of insider trading, similar trading patterns will also be found where people trade without inside information on the basis of seeking to pre-empt forthcoming events. The latter is entirely legal. The former is illegal.

If any person has any information which would be useful to the authorities who supervise markets in this regard, I would encourage them to forward it to the Central Bank. Insider trading undermines the integrity of markets. Both the Central Bank and the ISE understand that and examine carefully any instance of suspicious trading and any information provided to them about such matters.

Pension Provisions

25. **Deputy John Deasy** asked the Minister for Finance when he expects to make a decision on an application submitted by the trustees of a pension scheme to include former Waterford Crystal workers in the pension insolvency payment scheme; and if he will make a statement on the matter. [7082/11]

Minister for Finance (Deputy Michael Noonan): I can confirm that an application to the Pension Insolvency Payment Scheme from Waterford trustees has been received and is under consideration. Discussions have taken place with the trustees and staff representatives about a number of aspects of the application. I hope to be in a position to respond shortly. The Pension Insolvency Payment Scheme [PIPS] was introduced on 1 February, 2010 for a pilot period of three years. From that date, it is open to any scheme that satisfies the qualifying conditions to apply to participate. The principal qualifying criteria for PIPS are that the sponsoring employer must be insolvent (in accordance with the definition used in the Protection of Employees (Employers' Insolvency) Act 1984) and the defined benefit scheme must be winding up in deficit. Details of the application procedure and other guidance is being made available on my Department's website www.finance.gov.ie.

Personal Debt

26. **Deputy Michael McGrath** asked the Minister for Finance his plans to implement the recommendations by the mortgage expert group on mortgage arrears in full. [7089/11]

Minister for Finance (Deputy Michael Noonan): The Deputy will be aware that the Mortgage Arrears and Personal Debt Expert Group (Expert Group) produced two Reports, an Interim Report published in July 2010 and their Final Report published in November 2010. The Expert Group, which was chaired by Mr. Hugh Cooney, included Mr. Matthew Elderfield, Head of Financial Regulation at the Central Bank, as well as other external experts and senior officials from Government Departments. All of the Expert Group's recommendations are listed in Chapter 2 of the Final Report and have been noted by Government. They can be accessed at www.finance.gov.ie. Since the publication of the Reports, the Central Bank has revised the Code of Conduct for Mortgage Arrears (CCMA) to reflect many of the recommendations of the Expert Group including key recommendations relating to the introduction by all regulated lenders of a standardised Mortgage Arrears Resolution Process (MARP). The most significant changes in the revised CCMA include:

- Borrowers in arrears who co-operate with the Mortgage Arrears Resolution Process (MARP) will not be charged penalty interest charges;
- Harassment of borrowers through unsolicited communications will be outlawed;
- Borrowers in financial difficulties, but not in arrears, will be allowed to come under the MARP; and
- Clarifying the existing 12 month moratorium on legal action in arrears cases.

The revised CCMA was published on 6 December 2010 and came into effect on 1 January 2011. The revised CCMA can be accessed at www.centralbank.ie. Lenders are required to comply with the CCMA as a matter of law but have been given a period of six months grace ending on 30 June 2011 to put in place the requisite systems and training of staff necessary to support the implementation of the MARP. In addition the Central Bank has also written to lenders to issue directions under Section 149 of the Consumer Credit Act 1995 which will mean

that lenders cannot impose arrears charges or penalty interest on borrowers who are co-operating with the MARP.

The Expert Group's recommendations are intended to be of benefit to both lender and borrower and it is assumed that lenders will cooperate and implement the recommendations or variations of them as soon as possible. Failure to comply with the revised CCMA may result in sanctions under the Central Bank's Administrative Sanctions Framework.

The Deputy may wish to note that in addition to those recommendations being implemented through amendments to the CCMA, other recommendations will require legislative support involving my Department, the Departments of Social Protection (DSP), Environment, Heritage and Local Government (DEHLG), Justice and Equality (DJE).

In the case of my own Department, a recommendation concerning the scope and the admissibility in Court of the CCMA will need further examination and may require advice from the Attorney General.

In order to implement those recommendations in relation to the mortgage interest supplement scheme (MIS) changes to both primary and secondary legislation will be required. I am informed that the Department of Social Protection is currently finalising an implementation plan that will set out a framework for the future of the mortgage interest supplement scheme.

The recommendation of the Group to amend the local authority needs assessment process has been implemented by the DEHLG. I am informed that local authorities have been provided with clear guidance on the treatment of applicants for social housing support whose mortgages have been deemed unsustainable. It is my understanding that the Minister for Justice and Equality intends to give early attention to the Final Report on *Personal Debt Management and Debt Enforcement* of the Law Reform Commission which was published in December 2010. That Report contains recommendations on comprehensive reform of the system of personal insolvency law in Ireland.

Fiscal Policy

27. **Deputy Michael McGrath** asked the Minister for Finance the way he will finance the increase in mortgage interest relief for first time buyers if relief for new buyers is not abolished from June 2011. [7090/11]

28. **Deputy Michael McGrath** asked the Minister for Finance his plans to increase mortgage interest relief to 30% for first time buyers; when he will do so; and if he will make a statement on the matter. [7091/11]

29. **Deputy Michael McGrath** asked the Minister for Finance his plans to abolish mortgage interest relief for new buyers in June 2011; and if he will make a statement on the matter. [7092/11]

Minister for Finance (Deputy Michael Noonan): I propose to take Questions Nos. 27 to 29, inclusive, together.

There is a commitment in the Programme for Government to help homeowners in distress to weather the recession. The Government will examine a number of proposals in relation to this commitment. One of these proposals relates to increasing mortgage interest relief to 30% for First Time Buyers who bought between 2004 and 2008 and to finance this in part by abolishing mortgage interest relief for new buyers from June 2011. When this proposal has been thoroughly examined and analysed and the findings and recommendations are presented to me, I will decide on the appropriate action to be taken. However, it is unlikely that any measures will be introduced before Budget 2012.

Mortgage Indemnity Insurance

30. **Deputy Michael McGrath** asked the Minister for Finance his plans to introduce new universal mortgage indemnity insurance to protect borrowers from the future risks of negative equity; and if he will make a statement on the matter. [7093/11]

Minister for Finance (Deputy Michael Noonan): Mortgage Indemnity Insurance acts as a form of additional security for the mortgage lender in the event of default by the mortgage holder. While either the lender or borrower can be responsible for paying the premia, it is the lender alone who will receive the proceeds of any claim. The borrower will still retain the same legal responsibility to pay the mortgage shortfall, where such arises, whether mortgage indemnity insurance is in place or not. The Expert Group on Mortgage Arrears and Personal Debt did not consider the issue of introducing mandatory mortgage indemnity insurance in any detail. However, it did note the following: “. . . *given the current housing market and lending conditions, the Group does not consider that imposing such products [in reference to mortgage indemnity insurance and mortgage repayment insurance] is necessary or a priority. However, the Group considers that such issues should be reviewed in the future.*” (MAPD Final Report, 2010)

There are no proposals in the Programme for Government 2011-2016 to introduce universal mortgage indemnity insurance in the mortgage market.

Economic Forecasts

31. **Deputy Michael McGrath** asked the Minister for Finance the growth rate predictions he is using in negotiations with the EU-International Monetary Fund in view of the disparity between the projections from his Department and the EU-IMF. [7094/11]

Minister for Finance (Deputy Michael Noonan): The forecasts prepared by the Department of Finance last October and first published in early November in the National Recovery Plan, and subsequently in Budget 2011 are the latest published forecasts. Forecasts naturally need to be reviewed from time to time as additional information becomes available. Since last October, important National Accounts and National Household Survey data for the final quarter of 2010 has been published. “Hard” and “soft” high-frequency data have also become available for the initial months of this year.

The Department of Finance is using all available data to inform its thinking and for the update of its macro-economic projections that is currently underway. This update is being carried out with the new European Semester in mind, which requires Ireland, along with all other Member States, to submit a Stability Programme Update, including updated macro-economic forecasts, to the European Commission by the end of April.

While it is important that we await the outcome of my Department’s current forecasting process, I understand from my officials that taking account of the risks identified at Budget time, the short-term economic prospects overall are weaker than had been previously factored in, albeit certain sectors are doing well. This evolving view will inform the ongoing negotiations with the EU/IMF as part of our First and Second Quarterly Review currently under way.

Universal Social Charge

32. **Deputy Michael McGrath** asked the Minister for Finance when it will be possible to make submissions to the review of the universal social charge. [7095/11]

Minister for Finance (Deputy Michael Noonan): As I have stated before I would encourage all interested parties to join the review of the USC by way of submission to my Department. My Department is currently accepting submissions from interested parties, however, if changes

to the USC are being proposed I would request well thought-out and workable solutions to fill any revenue gaps created. The focus must be on maintaining the €4 billion yield.

Educational Schemes

33. **Deputy Michael McGrath** asked the Minister for Finance the cost of providing for an additional 15,000 places in training, work experience and educational opportunities; and if he will make a statement on the matter. [7096/11]

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 15,000 places in training, work experience and educational opportunities 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.

Tax Reliefs

34. **Deputy Michael McGrath** asked the Minister for Finance the position regarding an application for tax relief in relation to vehicles purchased for use by persons with disabilities in respect of a person (details supplied) in County Cork. [7101/11]

Minister for Finance (Deputy Michael Noonan): The initial application for a Primary Medical Certificate under the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994 is made to the Senior Medical Officer of the relevant local Health Service Executive administrative area. If the Primary Medical Certificate has been refused in this case, the named person may appeal the refusal to the Disabled Drivers Medical Board of Appeal, National Rehabilitation Hospital, Rochestown Avenue, Dún Laoghaire, Co. Dublin. I would point out that the Medical Board of Appeal is independent in the exercise of its functions.

Departmental Reports

35. **Deputy Éamon Ó Cuív** asked the Minister for Finance when the reports that have been sought by the Department of Social Protection from the Office of Public Works in relation to the consideration of re-location of persons flooded in November 2009, on foot of a decision by Government in December 2010, will be provided; and if he will make a statement on the matter. [7159/11]

Minister of State at the Department of Finance (Deputy Brian Hayes): The Office of Public Works has provided a technical commentary to the Department of Social Protection in respect of a list provided by that Department previously, of persons and properties affected during the flooding of November 2009.

The Department of Social Protection has forwarded, this week, an additional list of fourteen properties for consideration in this regard and OPW will now proceed to carry out a technical assessment on them.

Fuel Prices

36. **Deputy John O'Mahony** asked the Minister for Finance his plans to address the rising cost of petrol, diesel and home heating oil; and if he will make a statement on the matter. [7170/11]

Minister for Finance (Deputy Michael Noonan): Ireland, as with other countries, has experienced an increase in the cost of petrol and auto-diesel. The increase in fuel prices is an international phenomenon. Fuel prices are driven by a number of factors including the price of oil on international markets, exchange rates, production costs and refining costs. The rise in oil

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prices over recent periods reflected additional factors such as geopolitical uncertainty in Northern Africa and the Middle East with potential supply disruptions.

The excise rates (including the carbon charge) in Ireland on motor fuels are 57.6 cent on a litre of petrol and 46.6 cent on a litre of auto-diesel. Ireland's excise rates are the ninth and fourth highest in the EU27 for petrol and auto-diesel respectively. However, our rates remain lower than many of our main trading partners and significantly lower than our nearest neighbour the UK. In relation to diesel used for heating, in Ireland the excise rate (including the carbon charge) is 8.9 cents per litre, this rate is lower than the majority of the EU 27 member states. Prior to the carbon charge being applied to diesel used for home-heating, the rates had not been increased since 1987.

The Exchequer yield from excise, as excise is set at a nominal amount, does not increase as the price of fuels increase. On the other hand, the yield from VAT per litre of fuel, as VAT is set as a percentage of the price, increases as the price of fuels increase.

It is on this latter basis that there are often demands to reduce taxes on fuel. However, I would point-out that the Exchequer gain may be limited because:

1. the increase in petrol and diesel prices reduces the quantity of such fuels being purchased,
2. spending in the economy is likely to be re-allocated to petrol and other oil products, and away from other VAT liable spending, and
3. the overall level of economic activity is reduced by higher oil prices.

It should also be noted that businesses are of course entitled to reclaim VAT incurred on their business inputs, including VAT incurred on fuel. For example, VAT incurred on auto-diesel and marked gas oil (MGO or green diesel) used in the course of business is a deductible credit for business in the Irish VAT system. VAT on petrol can not be deducted/reclaimed.

There are no plans for temporary taxation adjustments for specific sectors or businesses in general, as to do so, could lead to significant costs to the Exchequer. The issue of rising fuel prices was briefly discussed by EU Finance Ministers at the ECOFIN meeting on 15 March and they reconfirmed the approach taken in 2005 and again in 2008, when oil prices were very high, which endorsed a coordinated approach towards not making distortional fiscal adjustments.

FÁS Training Programmes

37. Deputy Maureen O'Sullivan asked the Minister for Education and Skills his plans to rationalise the system whereby lack of funding in FÁS would not preclude a person on job-seeker's from the Department of Social Protection from taking a place on a FÁS training scheme (details supplied). [7126/11]

Minister for Education and Skills (Deputy Ruairí Quinn): It is understood that the Deputy is referring to the North Wall Community Development Project and the setting up of a Local Training Initiative. FÁS is unable to provide an additional Local Training Initiative programme in the North Wall because of budgetary constraints.

There is no agreement or contract between FÁS and the North Wall Community Development Project to either recruit a co-ordinator or to recruit and/or take on participants for a Business Studies Local Training Initiative programme. FÁS has informed the North Wall Community Development Project that it will review the position towards the middle of 2011.

FÁS has invested significantly in the docklands area of Dublin 1, Dublin 2, Dublin 3 and Dublin 4. The following table outlines a summary of the current programmes and schemes:

The issue concerning the Department of Social Protection continuing to pay benefits to unemployed persons on FÁS training courses is a matter for my colleague the Minister for Social Protection.

Higher Education Grants

38. **Deputy Ciarán Lynch** asked the Minister for Education and Skills when a decision will issue on an appeal for a college grant in respect of a person (details supplied) in County Cork; and if he will make a statement on the matter. [7074/11]

Minister for Education and Skills (Deputy Ruairí Quinn): An appeal has recently been received by my Department from the student to which the Deputy refers. The appeal is currently under consideration and a response will issue as soon as the review process is completed.

EU Globalisation Fund

39. **Deputy Clare Daly** asked the Minister for Education and Skills the way workers availing of the European globalisation fund are expected to fund the finishing of the educational programmes when the funds expire in September 2011. [7078/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The European Commission decision of 8 December 2010 awarding a financial contribution from the European Global Adjustment Fund (EGF) to finance active labour market measures following the redundancies in SR Technics states that Ireland shall use the EGF financial contribution by 9 October 2011.

My Department as the national EGF Managing Authority has clearly stated from the outset to potential EGF beneficiaries and service providers that EGF support would not be available for educational and other training measures after that date.

However, upon the expiry of the EGF programme implementation period, a wide range of mainstream supports is available to former SR Technics workers interested in availing of training, further and third level education and enterprise supports.

Former SR Technics workers pursuing third level educational programmes may be eligible for support in accordance with the regulations governing the operation of the Department's Free Fees and student support schemes dependent on their individual circumstances.

Apart from the Free Fees Initiative the main financial support available to students in higher education is the Maintenance Grant. Students who are entering approved courses are eligible for financial assistance where they satisfy the relevant conditions including those relating to residence, means, age, nationality and previous academic attainment.

Eligibility for grant assistance is a matter for the relevant local authority or VEC to establish. Students should apply to their local authority or VEC to establish their eligibility. Detailed information on financial supports for students can be found on the website *www.studentfinance.ie*.

The Vocational Training Opportunities Scheme, Post Leaving Certificate programme and Back to Education Initiative operated by the Vocational Education Committees provide flexible part-time and full-time learning opportunities.

FÁS provides guidance and training options, including through accredited private providers contracted to FÁS under the Technical Employment Services Grant.

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In addition, a range of enterprise supports including business advice, mentoring, financial and non-financial assistance is provided in the business start-up and expansion phases through the City and County Enterprise Boards to persons interested in starting their own business.

Schools Building Programme

40. **Deputy Finian McGrath** asked the Minister for Education and Skills the position regarding a tender in respect of premises (details supplied) in Dublin 3. [7130/11]

Minister for Education and Skills (Deputy Ruairí Quinn): In the mid 1970s Squash Ireland, a commercial company, secured the use of a portion of the site to which the Deputy refers. This company subsequently went into liquidation. In an effort to maintain the facility, the Department, through the Board of Management, engaged the services of a temporary caretaker to run the facility. In 2010, on foot of communication from both the school management authority and the caretaker of the squash facility, my Department undertook an examination of the long term use of the facility and concluded that the operation of the facility should not continue.

Accordingly, the Board of Management was advised that in the circumstances it would be appropriate to make the Caretaker post in respect of the facility redundant. I am advised that on foot of the examination of the operation of the facility, it was both the Department's and the school authority's understanding that the facility was used on a pay per play basis with there being no membership fees, no club officers nor rules/constitution that would normally be expected of a club.

In terms of the future use of the building, further consultation with the school authorities will be required in the first instance.

School Curriculum

41. **Deputy Olivia Mitchell** asked the Minister for Education and Skills if there are any funding schemes in place to fund a music programme for a school (details supplied) in Dublin 18; and if he will make a statement on the matter. [7131/11]

Minister for Education and Skills (Deputy Ruairí Quinn): Music is a core part of the arts curriculum in all classes in all primary schools and comprises listening, and responding, performing and composing activities. A revised primary curriculum in Music was introduced in 2005, supported by a national programme of professional development for teachers. I am very aware of the excellent work being done by schools using music as a key vehicle to promote inclusion and effective learning.

Schools in DEIS and School Completion Projects are provided with additional funding and have discretion as to how best to spend these funds within a framework of guidelines set out by my Department. The guidelines provide that funding may be used on initiatives to support retention, supporting and engaging parents and the wider community, co-operation with the youth sector, promoting cross curricular literacy initiatives, music, dance, drama, and promoting social, sport and leisure activities which impact on children's learning. The music education project falls well within the parameters of what can be funded under DEIS and the School Completion Programme.

Other than the additional resources available through DEIS and the School Completion Programme to schools designated as disadvantaged, my Department is not in a position at this time to provide additional funding to support the "Music Made Easy" programme in primary schools.

However, a partnership between U2, Music Network, the International Funds for Ireland and the education sector is enabling a series of music education partnerships to be established around the country on a phased basis to provide vocal and instrumental music tuition for young people. The initiative was made possible by a donation of €5m from U2, and a commitment from the Ireland Funds to raise €2m. These contributions will fund the initiative in the early years of development, with the intention that programmes will be continued into the future with Exchequer funding when the donations cease.

The initiative is being managed by a company called Music Generation (www.musicgeneration.ie). A call for proposals was issued on 17 January 2011 seeking applications from local Music Education Partnerships across the country who wish to apply for funding. Music Generation aims to help children and young people to access music education in their own locality. The focus is on co-ordinated area-based provision as part of a partnership, not on funding for individual schools.

Funding for up to twelve Music Education Partnerships will be awarded by Music Generation on a phased basis from 2011-2015, most likely in three locations at a time. Music Education Partnerships are eligible to apply for 50% funding, up to a maximum of €200,000 per annum over three years. The closing date for Round 1 applications was March 31st, 2011, but there will be further rounds of the initiative each year until 12 partnerships are established. The lead partner in the Music Education Partnership must be a statutory agency.

The provision of music in the school curriculum, supplemented by an expanding network of music education partnerships, and the provision of some 68,000 hours of music tuition provided in certain locations in the form of co-operation hours through the VEC system, allied with flexible funds for DEIS and School Completion Programme schools together form part of the strategy to widen access to music education for young people in the period ahead.

School Transport

42. **Deputy Brendan Griffin** asked the Minister for Education and Skills if a school transport service will be provided for three children in County Kerry in view of the special needs of one of the children (details supplied); and if he will make a statement on the matter. [7132/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Under the terms of my Department's primary school transport scheme, pupils who reside 3.2 kilometres or more from, and are attending their nearest suitable national school, as determined by my Department, are eligible for school transport. The pupils referred to by the Deputy, in the details supplied, are not attending their nearest national school and are therefore not eligible for school transport.

In the case of a pupil with special educational needs, a pupil is eligible for school transport if s/he is attending the nearest recognised mainstream school, special class/special school or a unit, that is or can be resourced, to meet the child's special educational needs under my Department's criteria.

The National Council for Special Education has responsibility, through its network of Special Educational Needs Organisers (SENOS), for the establishment of special education facilities and for allocating resource teachers and special needs assistants to schools to support children with special needs.

The parents/guardians of the pupil in question should liaise, in the first instance, with the local SENO. Eligibility for transport, under the terms of the above scheme, will then be considered upon receipt of the completed school transport application form.

43. **Deputy Tom Fleming** asked the Minister for Education and Skills if he will provide three concessionary tickets to a family (details supplied) who will pay the required fee. [7133/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Under the terms of my Department's primary school transport scheme, pupils may avail of concessionary fare paying transport subject to a number of conditions including the availability of spare seats on an existing service.

In this regard the parents/guardians of the pupils in question should liaise with their local Bus Éireann office.

School Staffing

44. **Deputy Michael McGrath** asked the Minister for Education and Skills if a person (details supplied) in County Cork will be entitled to be placed on the supplementary panel for primary school teachers. [7134/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The main focus in the Teacher Allocation Section within my Department at present is the redeployment panels for permanent teachers.

The Department will consider queries in relation to supplementary panel rights for fixed-term teachers, including the teacher referred to by the Deputy, when the initial work on panels for redeployment of surplus permanent teachers is completed. Such teachers are advised to contact my Department at *Primaryallocations@education.gov.ie*

Grant Payments

45. **Deputy Terence Flanagan** asked the Minister for Education and Skills the position regarding a maintenance grant in respect of a person (details supplied) in Dublin 13. [7135/11]

Minister for Education and Skills (Deputy Ruairí Quinn): A decision on eligibility for a student grant is a matter for a grant awarding authority in the first instance.

My Department understands from the grant awarding authority involved in this particular case that it received a grant application from the student in question and that this application was unsuccessful. My Department also understands that the student appealed this decision to the grant awarding authority. The application was re-examined on this basis and the grant awarding authority upheld its original decision.

Where a grant awarding authority rejects an appeal, the applicant may appeal this decision to my Department by submitting an appeal form clearly outlining the grounds for the appeal. No appeal has been received by my Department in this case to date.

The Deputy will appreciate that as my Department has a role to play in the appeals process it would not be appropriate to comment further on this matter other than to say that my Department will carry out a review of the candidate's application if it receives an appeal as part of the appeals process.

Special Educational Needs

46. **Deputy John Paul Phelan** asked the Minister for Education and Skills if a special needs assistant will be provided in respect of a person (details supplied) in County Kilkenny; and if he will make a statement on the matter. [7138/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I wish to advise the Deputy that 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.

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

School Transport

47. **Deputy John Paul Phelan** asked the Minister for Education and Skills when a decision will issue in relation to the abolition of catchment areas for the school bus routes; and if he will make a statement on the matter. [7140/11]

Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon): Changes to school transport services were announced in the 2011 budget by the previous Fianna Fáil-Green Party Government and derive from a recommendation in the recently published Value for Money Review of the scheme. From the 2012/13 school year, the use of the catchment boundary system will cease and school transport eligibility for all new children entering post-primary education will be determined by the distance they reside from their nearest post-primary centre or school.

Vocational Education Committees

48. **Deputy John Paul Phelan** asked the Minister for Education and Skills his plans on continuing the policy of merging vocational education committees; or if not, his plans in this matter; and if he will make a statement on the matter. [7142/11]

Minister for Education and Skills (Deputy Ruairí Quinn): I have invited the Irish Vocational Education Association (IVEA), given their concerns about the current proposals for VEC aggregation, to submit alternative proposals for my consideration. The IVEA has indicated that it will respond later this month and I will be considering their proposals in the coming period.

While I am open to proposals on alternative configurations, I am anxious to ensure that swift progress continues to be made in the work of bringing about a reduction in the number of VECs.

FÁS Training Programmes

49. **Deputy John Paul Phelan** asked the Minister for Education and Skills the measures taken to secure new support for an organisation (details supplied) in County Kilkenny. [7146/11]

Minister for Education and Skills (Deputy Ruairí Quinn): The Kilkenny Jobs Club has been run by Kilkenny Council Trade Unions on behalf of FÁS for over ten years. The directors of the company have informed FÁS that it is their intention to withdraw from this role. FÁS has assured me that it will seek an alternative sponsor and put in place suitable arrangements for a Jobs Club in County Kilkenny.

FÁS provides a range of other services for unemployed people in Kilkenny, including the FÁS Employment Centre which supplies guidance and information. It also funds 400 Community Employment places, four Local Training Initiatives which cater for up to 100 people and Kilkenny Employment for Youth, a 70 place Community Training Centre. For people with disabilities FÁS funds a vocational training programme in the National Learning Network and

[Deputy Ruairí Quinn.]

also runs the Supported Employment Programme which is a labour market initiative to assist people with a disability to secure and maintain employment in the open labour market.

Economic Competitiveness

50. **Deputy Joe McHugh** asked the Minister for Enterprise, Trade and Innovation his views on rebalancing the Northern Ireland economy consultation paper that was published in March 2011 by the British Treasury; if he will respond to the invitation for submissions in view of the paper's potential implications for enterprise, employment and trade here and on this island; and if he will make a statement on the matter. [7162/11]

Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton): The recently launched UK Government's consultation document on "Rebalancing the Northern Ireland Economy" was developed against the background of an aim to increase the size of the private sector and drive faster economic growth in Northern Ireland. The consultation paper sets out options that could be taken to support rebalancing of the Northern Ireland economy, including the issues involved in devolving the power to vary the corporation tax rate for profits in Northern Ireland.

The document does not at this stage reach specific conclusions, but merely seeks views on the options raised. In keeping with normal Government policy of not commenting in this type of forum on the economic policy regime in other EU jurisdictions, I do not propose to make a submission on behalf of the Government on the issues raised in the consultation paper.

However, in the arrangements established under the British/Irish agreements it is of course a long-established practice that Governments in Ireland work closely with the Northern Ireland Executive and with the UK Government to achieve economic and social development on the island of Ireland. Our involvement in promoting the competitiveness and development of the Northern Ireland economy, through involvement in and financial contribution to cross-border initiatives, has resulted in benefits to both parts of the island.

A stronger and more balanced economy in Northern Ireland should not be seen as something about which we should be in any way defensive, but rather as something that would create mutual gains North and South. The existing North/South bodies work on an all-island basis to secure economic development. There is a long history of co-operative action between agencies such as Enterprise Ireland and Invest Northern Ireland in order to achieve mutual benefit together that can be greater than what they might achieve separately.

In relation to inward investment, circumstances in the Northern Ireland economy have been different to those in the South. In general, Northern Ireland has had higher corporation tax rates, but lower wage and other costs. Because GDP per head in Northern Ireland has in recent years been lower than in the South, it has been possible for some industrial grant rates in Northern Ireland to remain higher than in the South. But when it comes to attracting inward investment, locations in Ireland must compete with alternative locations all over the world, not just with locations in Europe. For an individual project, it will often come down to a situation where a foreign multinational will choose between locating in Dublin or in Singapore or in Switzerland. It very rarely comes down to a choice between Dublin and Belfast.

I therefore welcome any moves to increase economic growth in Northern Ireland. The development of a world-class all-island economy is of strategic importance and strongly complements our mission to accelerate the development of world-class Irish companies. The challenges and issues faced by companies are shared throughout the island. By promoting an all-island economy we can build our competitive advantage internationally, target the economic problems that persist, and deliver better services for all companies and individuals.

Work Permits

51. **Deputy Pat Breen** asked the Minister for Enterprise, Trade and Innovation the position regarding an application in respect of a person (details supplied) in County Clare; and if he will make a statement on the matter. [7161/11]

Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton): My Department processes applications in respect of the different types of employment permits (Green Cards Permits, Work Permits, Spousal/Dependant Permits and Intra-company Transfer Permits). All applications are processed in line with the Employment Permits Act 2006.

My Department's target for processing correctly completed applications is 15 working days and permits in the high skilled areas such as Green Cards and Intra-Company Transfers are normally processed within this timeframe.

However, there has been a delay in the processing of other employment permit types i.e. Work Permits and Spousal/Dependant Permits. This can be attributed to a re-prioritisation of resources within the old Department of Enterprise, Trade and Innovation where a significant number of staff in the Employment Permits area were re-deployed to the Redundancy Payments area, where there was a strong need for additional resources to process payments to those who have lost their jobs. In relation to Work Permits and Spousal applications, measures have been put in place to address the current backlog.

I wish to advise the Deputy that the Work Permit application in question was received in my Department on the 22nd March 2011. The Section is currently processing Work Permit applications received on the 17th January 2011. Therefore, based on current processing times, a decision on this application can be expected within the next 10-12 weeks.

Social Welfare Code

52. **Deputy Michael McGrath** asked the Minister for Social Protection the cost to the Exchequer of halving the lower rate of PRSI up to 2013; and if she will make a statement on the matter. [7097/11]

Minister for Social Protection (Deputy Joan Burton): PRSI receipts do not form part of Exchequer funding but are paid into the Social Insurance Fund. It is estimated that reducing the rate of employer's Class A PRSI from 8.5% to 4.25% would reduce Social Insurance Fund income by €174 million in 2012 and €168 million in 2013. The decline in the estimate over the two years is caused by projected increases in average incomes having the effect of raising pay for some jobs to levels which attract the higher rate of employer's PRSI.

Social Welfare Appeals

53. **Deputy Michael Healy-Rae** asked the Minister for Social Protection if she will expedite an application for domiciliary care allowance in respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [7076/11]

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 20th October 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 14th February 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

[Deputy Joan Burton.]

and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Appeals

54. **Deputy Paul J. Connaughton** asked the Minister for Social Protection when a carer's allowance appeal will be heard in respect of a person (details supplied) in County Galway; and if she will make a statement on the matter. [7077/11]

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 24th March 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by the Social Welfare Services on the grounds of appeal be sought. When received, the appeal in question will be referred to an Appeals Officer for consideration. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Social Welfare Benefits

55. **Deputy Dan Neville** asked the Minister for Social Protection the position regarding payment of supplementary welfare allowance towards the payment of interest on mortgage in respect of persons (details supplied) in County Limerick. [7113/11]

Minister for Social Protection (Deputy Joan Burton): The Health Service Executive has advised that the payment of mortgage interest supplement ceased to the persons concerned as the household income is sufficient to meet their mortgage interest costs.

56. **Deputy Brendan Griffin** asked the Minister for Social Protection if domiciliary allowance will be made available to a person (details supplied) in County Kerry; and if she will make a statement on the matter. [7118/11]

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 24th November 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 8th February 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.

Question No. 57 withdrawn.

58. **Deputy Finian McGrath** asked the Minister for Social Protection the position regarding rent allowance in respect of a person (details supplied) in County Dublin. [7125/11]

Minister for Social Protection (Deputy Joan Burton): The Health Service Executive has advised that the person concerned was refused rent supplement as his rent is in excess of the maximum rent limit for his family size and as he was assessed by the local authority as not having a housing need.

59. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reason payment of invalidity pension has ceased in the case of a person (details supplied) in County Kildare despite an appeal pending and further information submitted in respect of that appeal; when a further appeal will be held given that further medical evidence submitted; and if she will make a statement on the matter. [7127/11]

Minister for Social Protection (Deputy Joan Burton): Following a second medical examination and having considered all the evidence, the appeals officer disallowed the appeal for the person concerned. Payment of invalidity pension was terminated with effect from 5th November 2009.

The decision of an appeals officer is final and conclusive in the absence of fresh facts or evidence. With regard to the latest information received on 5th January 2011, in relation to the person concerned, it is considered that it contains no fresh facts or evidence and accordingly there is no ground to review the appeals officer's decision.

Social Welfare Appeals

60. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when arrears of child benefit will be granted to a person (details supplied) in County Kildare; and if she will make a statement on the matter. [7128/11]

Minister for Social Protection (Deputy Joan Burton): Child benefit was awarded to the person concerned from 1st January 2010, as he was found to satisfy the Habitual Residence Condition from that date. All arrears have been paid and he continues to receive payment at the rate of €140 per month. There are no outstanding child benefit claims or appeals in respect of this person.

Question No. 61 withdrawn.

Social Welfare Appeals

62. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection when an appeal in respect of a person (details supplied) will be decided; the steps taken, additional to those taken by the previous Government, to expedite appeals; and if she will make a statement on the matter. [7160/11]

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 Department has made 9 additional appointments to the office in recent weeks in an effort to better manage the current caseload. I am assured by the Chief Appeals Officer that she is keeping current processes under continuous review with a view to achieving a more effective throughput of appeals, while ensuring that any progress does not conflict with due process in terms of the rights of appellants and adherence to the requirements of natural justice.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

Local Authority Housing

63. **Deputy Finian McGrath** asked the Minister for the Environment, Heritage and Local Government the position regarding housing schemes (details supplied). [7083/11]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Willie Penrose): The provision of special needs housing is mainly funded under the Capital Assistance Scheme for approved housing bodies. This scheme is specifically designed to meet the needs of older persons, homeless and people with a range of physical and intellectual disabilities. It is up to the bodies concerned, in conjunction with the relevant housing authorities, and in liaison with the Health Service Executive as necessary, to allocate properties to households with specific requirements, including in relation to psychiatric illness. Housing authorities may also, within their allocation policy, designate or provide specific units to meet special needs. Issues with relation to psychiatric patients are generally the responsibility of the Health Service Executive.

Departmental Funding

64. **Deputy Timmy Dooley** asked the Minister for the Environment, Heritage and Local Government if he will provide a minimum funding allocation of €26,479 to fund an organisation (details supplied) in 2011. [7086/11]

Minister for the Environment, Community and Local Government (Deputy Phil Hogan): A total of €587,000 was provided in my Department's Estimates for 2011 to support the Community & Voluntary Fora in each county/city council area. This corresponds with €1.17 million provided in 2010. Local authorities were advised accordingly on 8 December 2010. In the circumstances, no forum can expect the same level of funding for this year as it received last year. I will, however, be shortly announcing details of funding allocations.

It is also important to acknowledge the continued financial support by local authorities for the participation of Fora representatives on Strategic Policy Committees, Joint Policing Committees and County/City Development Boards.

Social and Affordable Housing

65. **Deputy Olivia Mitchell** asked the Minister for the Environment, Heritage and Local Government his plans to introduce legislation to exempt owners who bought homes under the affordable housing and shared ownership schemes prior to 2009 from the clawback charge to the county council in line with the exemption granted to those who bought post 2009. [7124/11]

Minister of State at the Department of the Environment, Heritage and Local Government (Deputy Willie Penrose): I refer to the reply to Question No. 64 of 23 March 2011 which sets out the position where an affordable house purchaser is selling their home and the clawback amount payable would reduce the proceeds of resale below the initial price.

In relation to affordable house purchasers wishing to remortgage or top-up an existing mortgage, provision was made in the Housing (Miscellaneous Provisions) Act 2009 to allow purchasers under the new Affordable Dwelling Purchase Arrangements to do this without triggering the clawback. However, the Act does not provide this facility for purchasers under then existing affordable housing or shared ownership arrangements. I have requested my Department to arrange to have the provisions necessary to address this matter included in the first appropriate legislative vehicle that becomes available.

Voting Entitlements

66. **Deputy John Paul Phelan** asked the Minister for the Environment, Heritage and Local Government the measures he will be taking to allow non-citizens the opportunity to vote if they are living here for ten years or more. [7139/11]

Minister for the Environment, Heritage and Local Government (Deputy Phil Hogan): Subject to age and residency requirements, a person's citizenship determines the polls at which he

or she is entitled to vote, as follows: all non-citizens are entitled to vote at local elections; non-citizens who are citizens of EU Member States are entitled, in addition, to vote at European Parliament elections; and British citizens may vote in Dáil, European Parliament and local elections. While no agreements are currently in place, electoral law provides that citizens of other EU Member States, with whom Ireland may enter into an agreement to allow each other's citizens to vote in their respective National Parliaments, are also entitled to vote in Dáil elections, and Irish Citizens alone are entitled to vote in Presidential elections and referendums.

While electoral law is subject to ongoing review I have no proposals at present to extend the current arrangements for voting by non-citizens.

Control of Livestock

67. **Deputy Éamon Ó Cuív** asked the Minister for Justice and Equality if he will make the owners of farmed deer liable for traffic accidents caused by straying deer similar to the legislation regarding straying bovines; and if he will make a statement on the matter. [7148/11]

68. **Deputy Éamon Ó Cuív** asked the Minister for Justice and Equality if he will make farmers of farmed deer responsible for the damage caused to livestock and property by straying deer; and if he will make a statement on the matter. [7149/11]

Minister for Justice and Equality (Deputy Alan Shatter): I propose to take Questions Nos. 67 and 68 together.

I assume the Deputy is referring to the Animals Act 1985 which amended the law relating to liability for damage done by animals. The Act at section 2 provides for an amendment to the former immunity in the common law of negligence in respect of animals on the highway, and, subject to certain conditions, provides for a duty on a person to take reasonable care to see that damage is not caused by an animal straying on to a public road. In this context the word 'animal' has a broad meaning which encompasses deer. The common law already provides for liability for damage caused by animals to persons and property.

Proposed Legislation

69. **Deputy Clare Daly** asked the Minister for Justice and Equality if he will introduce a Spent Convictions Bill as priority legislation; if he intends bringing forward a more robust and comprehensive Bill than that published by the previous Government; and if he will make a statement on the matter. [7080/11]

Minister for Justice and Law Reform (Deputy Alan Shatter): I am pleased to be able to tell the Deputy that the Government's legislative programme published earlier this week provides for a new Bill on spent convictions, with publication expected before the end of this term.

The new Bill will build on the proposals from the Law Reform Commission. Unlike the previous Government's Bill, which lapsed upon the dissolution of the last Dáil, it will elaborate the arrangements in a very comprehensive way, leaving no doubt about the conditions to be met before a conviction can be regarded as spent.

Its primary aim is to remove obstacles to gaining employment for persons whose convictions attracted sentences towards the lower end of the scale. It will provide for non disclosure by job seekers of convictions that resulted in custodial sentences below a certain threshold or where a non custodial sentence was imposed. The Bill will require the offender to have demonstrated a commitment not to re-offend by observing a period without further conviction before availing of the new arrangements. It will deal with convictions acquired by adults — the Children Act 2001 already caters for young offenders who acquired convictions before turning 18 — and it will have full retrospective effect.

[Deputy Alan Shatter.]

I want to make it clear that while I am disposed to assisting former offenders who are committed to reform and rehabilitation, I will be providing that certain convictions, because of their nature, must always be disclosed and that full disclosure will be required in the case of certain types of employment, again because of the potential risks involved. In other words, disclosure will always be required in cases such as insurance fraud, sexual offences and offences reserved by law for trial by the Central Criminal Court. Similarly, disclosure will always be required in the case of certain sensitive employment posts in the public service and those involving contact with minors and vulnerable persons. These limitations clearly serve the wider public interest.

I am pleased to be able to indicate, albeit in fairly general terms, my intentions in this area. I am sure the new legislation will be seen by many as an opportunity to make a fresh start. That is good for the offender and for society at large.

Garda Operations

70. **Deputy Niall Collins** asked the Minister for Justice and Equality the work he has undertaken to prevent further dissident atrocities. [7166/11]

Minister for Justice and Equality (Deputy Alan Shatter): I refer the Deputy to my reply to Priority Question No.1 of today's date. I would like, nevertheless, to repeat that the Government is fully committed to supporting the Garda Síochána in its continuing anti- and counter-terrorist activities and to ensuring, in line with the Programme for Government, that it has all the resources required to defeat this menace. Cross-border security cooperation is the cornerstone of this effort and I am glad to say that in my short time as Minister I have seen just how closely the two police forces work together in this regard.

I have previously stated that I spoke with Northern Ireland Minister of Justice David Ford and with Secretary of State for Northern Ireland Owen Paterson in the immediate aftermath of last Saturday's murderous attack on Constable Ronan Kerr. Indeed, one of my first acts as Minister was to meet with Minister Ford. The Garda Commissioner and PSNI Chief Constable accompanied us to that meeting and shared with us a frank assessment of the threat posed by the small number of criminal terrorists who continue to operate in both jurisdictions. Regular contact is maintained between my Department and the Northern Ireland Department of Justice and the Northern Ireland Office.

Garda efforts to defeat these groups have, in the last eighteen months, resulted in around one hundred people being arrested in connection with terrorist activities. Forty-three people are currently charged before the Special Criminal Court. And fifty-four people are currently imprisoned having been convicted of offences relating to terrorist activity. I will shortly be asking the House to renew the provisions of the legislation enacted after the earlier atrocity in Omagh in 1998, as one means of ensuring that the Gardaí continue to have all the tools they require at their disposal.

Citizenship Applications

71. **Deputy Finian McGrath** asked the Minister for Justice and Equality the position regarding citizenship in respect of a person (details supplied). [7104/11]

Minister for Justice and Equality (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 October 2009.

The application is currently being processed in the normal way with a view to establishing whether the applicant meets the statutory conditions for the granting of naturalisation and will

be submitted to me for decision in due course. While the average time from application to decision is 25 months, processing requirements and time taken to carry out necessary checks vary from case to case.

I am unhappy with the length of time it takes to process citizenship applications. I have initiated steps within my Department to provide for a speedier processing of applications and to bring about a substantial reduction in the time scale. When the Department is in a position to implement these new arrangements an announcement will be made.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

Departmental Funding

72. **Deputy Finian McGrath** asked the Minister for Justice and Equality the position regarding a matter (details supplied). [7105/11]

Minister for Justice and Equality (Deputy Alan Shatter): The Commission for the Support of Victims of Crime, an independent body under the aegis of my Department, provides funding to the voluntary body One in Four. One in Four provides professional support to men and women who have experienced sexual violence, many of them during childhood. Such assistance may be considered appropriate, having regard to the details supplied. I am not in a position to comment further on the individual case raised by the Deputy.

Garda Recruitment

73. **Deputy Maureen O'Sullivan** asked the Minister for Justice and Equality when Garda recruitment will be resumed; the numbers of community gardaí in Dublin central in 2010 and currently in the following stations, Store Street, Mountjoy Street, Fitzgibbon Street, Bridewell and Cabra; the current numbers in the Garda Reserve Force; his plans for further recruitment of same; and the number of garda at all levels who have retired in 2009, 2010 and to date in 2011. [7106/11]

Minister for Justice and Equality (Deputy Alan Shatter): A decision on when Garda recruitment will re-commence will take into account the rate of retirement in the Garda Síochána and Government targets for reductions in public service numbers.

I am informed by the Garda authorities that on 31 December 2010 the number of dedicated Community Gardaí attached to Dublin's North and South Central Garda Division's was 159 and 96 respectively.

I am further informed that, as of the latest date for which figures are readily available, the number of Gardaí currently assigned to Community policing in the specific Garda stations referred to by the Deputy, was as set out as follows.

Store St.	Mountjoy	Fitzgibbon Street	Bridewell	Cabra
78	23	21	29	8

The personnel strength of the Garda Reserve, on the latest date for which figures are readily available was 773 with a further 104 in training. The number of retirements, both voluntary and compulsory, by rank in 2009 and 2010 and the number to-date in 2011 who have either retired or declared their intention to retire, is as set out as follows.

[Deputy Alan Shatter.]

Rank	2009	2010	2011
Commissioner	—	1	—
Deputy Commissioner	—	—	—
Assistant Commissioner	3	2	—
Chief Superintendent	14	3	—
Superintendent	26	14	4
Inspector	29	8	4
Sergeant	177	95	21
Garda	437	239	45
Total	722	362	74

Residency Permits

74. **Deputy Jack Wall** asked the Minister for Justice and Equality the position regarding a review application for the right of permanent residence in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [7155/11]

Minister for Justice and Equality (Deputy Alan Shatter): I am advised by the Irish Naturalisation and Immigration Service (INIS) that a request by the applicant for a review of the decision in this case was received on 23rd February, 2011. The EU Treaty Rights Review section of INIS wrote to the applicant on 5th April, 2011 advising them that the application had been received. Each application for review is examined on its own merits and a decision on the outcome of this review will be communicated as soon as possible.

Grant Payments

75. **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. [7136/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named commenced REPS 4 in August 2008 and received the year 1 payment in May 2009 and year 2 payment in January 2010. Following the completion of all administrative checks 75% of the year 3 payment was made on 4th April 2011. The remaining 25% will be paid within two weeks.

76. **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. [7137/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The person named commenced REPS 4 in May 2009. The year 1 payment has been processed and will be paid to the person named in the next two weeks.

Animal Identification Scheme

77. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Fisheries and Food if he will introduce a recording system, similar to that for cattle and sheep, for farmed deer in order that there will be food traceability, disease control and that farmers could be held liable for damage caused by straying deer; and if he will make a statement on the matter. [7147/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The development of a registration and tagging system for deer can be considered by my Department only when a number of critical identification issues with sheep, goats, pigs and horses have been resolved.

Departmental Funding

78. **Deputy Éamon Ó Cuív** asked the Minister for Agriculture, Fisheries and Food if he will give Leader clerical officers access to funding from Access (1) for the development of food projects in view of the fact that it has been ruled that food projects are not eligible for funding under Access (3) and (4); and if he will make a statement on the matter. [7150/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): The food projects funded by Leader under the Rural Development Programme play an important role in promoting food processing businesses in rural areas and in generating employment in these areas. This funding has recently been under discussion with the EU Commission. The Commission takes the view that this type of funding is more appropriate to Axis 1 of the Programme which aims to improve competitiveness and provides funding for processing of agricultural products. All EU funding available under Axis 1 is already committed to my Department's on farm investment schemes.

My Department is working closely with their colleagues in the Department of the Environment, Community and Local Government to resolve this issue bearing in mind the funding constraints. Both Departments are also keeping in touch with the Commission on the issue.

Grant Payments

79. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Fisheries and Food when a REP scheme payment will issue in respect of a person (details supplied) in County Galway; and if he will make a statement on the matter. [7152/11]

Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney): Under the EU regulations governing the Agri-Environment Options Scheme and other area-based payment schemes, a comprehensive administrative check, including cross-checks with the Land Parcel Identification System, must be completed before any payment can issue. Payment will issue to the person named at the earliest possible date once these checks have been completed.

Departmental Funding

80. **Deputy John Paul Phelan** asked the Minister for Community, Equality and Gaeltacht Affairs the funding that will be provided to an organisation (details supplied); if any changes in funding are planned; and if she will make a statement on the matter. [7145/11]

Minister for Community, Equality and Gaeltacht Affairs (Deputy Frances Fitzgerald): The *Scheme to Support National Organisations in the Community and Voluntary Sector*, under which the organisation referred to by the Deputy has been funded, commenced in 2008 with the aim of providing multi-annual funding to national organisations which provide coalface services to disadvantaged target groups. The three-year contracts were concluded at the end of 2010.

On 16 December 2010, applications were invited under a new round of funding for the *Scheme to Support National Organisations in the Community and Voluntary Sector*. This new round of funding will replace the previous Scheme and will provide multi-annual funding (subject to funding being available) to national organisations towards core costs associated with the provision of services. The closing date for applications was 24 January 2011.

On 2 December 2010, organisations funded under the previous Scheme were offered an extension to their contract until 31 March 2011. In light of the changes currently underway in

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relation to Departmental functions, I have decided to roll-over the current interim funding for a further month to allow sufficient time for decisions on the allocations under the new scheme to be made by the end-April 2011. The relevant organisations were informed of this revised timescale on 25 March 2011. All applicants, including the organisation referred to by the Deputy, will be contacted once the decision-making process for the new round of funding is finalised.

81. **Deputy Tom Fleming** asked the Minister for Health and Children if he will provide funding to a group (details supplied) in County Kerry towards the cost of running a voluntary bus service which brings patients from all parts of County Kerry to Cork University Hospital free of charge on a daily basis. [7154/11]

Minister for Health and Children (Deputy James Reilly): The Health Service Executive (HSE) is currently reviewing its policy in relation to eligibility for non-ambulance based patient transport services in order that a consistent policy is adopted nationally for these services.

The need for patients to travel arises partly as a result of the consolidation of cancer services by the HSE National Cancer Control Programme (HSE NCCP). The HSE has designated Cork University Hospital and Waterford Regional Hospital as the two cancer centres in the Managed Cancer Control Network for the HSE Southern Region.

There are a number of systems of support in place for cancer patients who have to travel for treatment, through the HSE Community Welfare Office services and the Travel2Care scheme. The Travel2Care scheme is being implemented on a phased basis in line with the transfer of cancer services to the designated centres and the approved satellite centre, where this transfer of services has caused financial hardship. This scheme, which is funded by the NCCP and administered by the Irish Cancer Society, provides some financial help towards the costs of public transport such as trains or buses, private transport costs; or petrol and parking.

Health Services

82. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding Health Service Executive supports or housing projects (details supplied). [7084/11]

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.

83. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a premises (details supplied) in Dublin 3. [7085/11]

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.

National Lottery Funding

84. **Deputy Sean Fleming** asked the Minister for Health and Children when payment will issue to an organisation (details supplied) in County Laois.. [7088/11]

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. A grant was approved by the previous Minister for Health and Children, Mary Coughlan in February. The Department requested clarification in respect of aspects of the purpose of the grant from the organisation. Having received the requested clarification the grant will now be paid in the next few days.

Medical Cards

85. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the position regarding medical card applications in respect of persons (details supplied) in County Kilkenny. [7098/11]

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.

86. **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 Kilkenny. [7099/11]

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.

87. **Deputy Jack Wall** asked the Minister for Health and Children the position regarding the renewal of a medical card in respect of a person (details supplied). [7102/11]

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

88. **Deputy John Paul Phelan** asked the Minister for Health and Children if he will ensure the continued provision of general practitioner facilities at a medical centre (details supplied) in County Kilkenny; and if he will make a statement on the matter. [7141/11]

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

89. **Deputy Charlie McConalogue** asked the Minister for Health and Children the reason a person (details supplied) has not been awarded a medical card. [7151/11]

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.

Hospitals Building Programme

90. **Deputy Michael McCarthy** asked the Minister for Health and Children the position regarding plans to extend a hospital (details supplied) in County Cork; the stage the project is at; when the Health Service Executive plans to commence the project; if funds have been sanctioned by him for the project; and if he will make a statement on the matter. [7172/11]

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.

Proposed Legislation

91. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children his plans to introduce legislation requiring labels on alcohol products to warn of the dangers of drinking during pregnancy; and if he will make a statement on the matter. [7174/11]

Minister for Health and Children (Deputy James Reilly): My Department is developing legislative proposals to provide for the inclusion of health advice/warnings on alcohol drink

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containers (bottles, cans) and on promotional materials. Providing advice to pregnant women on the dangers of consuming alcohol during pregnancy and providing other health information to the consumer at the point of consumption are an important means of informing the consumer about the dangers associated with the alcohol product being consumed. Work on the legislative proposals will be informed by the recommendations of the National Substance Misuse Strategy (NSMS) Steering Group which is due to report later this year.

Children in Care

92. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children further to Parliamentary Question No. 117 of 30 March 2011, if he will provide clarification on the nature of the care institutions represented by the other category. [7175/11]

Minister for Health and Children (Deputy James Reilly): I wish to advise the Deputy that the category “other” referred to in my reply to Parliamentary Question No. 117 of 30 March 2011 refers to children who are cared for by way of residential short term special arrangements by either the HSE or agency staff while awaiting transition to a more permanent care placement.

Grant Payments

93. **Deputy Tom Fleming** asked the Minister for Transport if he will provide the necessary funding to an organisation (details supplied) to develop a state of the art GAA Museum on the grounds of Fitzgerald Stadium, Killarney, County Kerry. [7153/11]

Minister for Transport (Deputy Leo Varadkar): The regulation of the taxi industry, including issues pertaining to the grant of vehicle licences, is a matter for the National Transport Authority under the Public Transport Regulation Act, 2009.

I have referred the Deputy’s Question to the NTA for direct reply. The Deputy should advise my private office if he does not receive a reply within ten working days.

Taxi Regulations

94. **Deputy Aengus Ó Snodaigh** asked the Minister for Transport the position regarding the granting of a private contract to a taxi firm to run a taxi rank outside their hotel; if his attention has been drawn to such a development at a hotel (details supplied) in Dublin; and if he will make a statement on the matter. [7100/11]

Minister for Transport (Deputy Leo Varadkar): The regulation of the taxi industry, including issues pertaining to the grant of vehicle licences, is a matter for the National Transport Authority under the Public Transport Regulation Act, 2009.

I have referred the Deputy’s Question to the NTA for direct reply. The Deputy should advise my private office if he does not receive a reply within ten working days.

Road Network

95. **Deputy Dominic Hannigan** asked the Minister for Transport the persons responsible for the removal of litter from the grass verges of the N2; and if he will make a statement on the matter. [7171/11]

Minister for Transport (Deputy Leo Varadkar): The construction, improvement and maintenance of individual national roads, including litter-picking on the N2, is a matter for the National Roads Authority (NRA) under the Roads Acts 1993 in conjunction with the local authorities concerned.