



# DÁIL ÉIREANN

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*Dé Máirt, 17 Bealtaine 2011.*  
*Tuesday, 17 May 2011.*

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

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*Paidir.*

*Prayer.*

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## **Business of Dáil: Motion**

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** I move:

That, notwithstanding anything in Standing Orders, questions to the Minister for the Environment, Community and Local Government shall be taken now and conclude at 4.15 p.m.

Question put and agreed to.

## **Ceisteanna — Questions**

### **Priority Questions**

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#### **Household Utility Charge**

32. **Deputy Niall Collins** asked the Minister for the Environment; Community and Local Government if he will provide further clarity on the proposed utility charge for 2012; and if this will involve the introduction of a flat rate fee. [11794/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The EU-IMF programme of financial support for Ireland commits to the introduction of a property tax for 2012 and 2013 under its fiscal consolidation measures. The programme reflects the need, in the context of the State's overall financial position, to put the funding of locally delivered services on a sound financial footing, improve accountability and better align the cost of providing services with the demand for such services. In the light of the complex issues involved, a property tax, requiring a comprehensive property valuation system, would take time to introduce and, accordingly, to meet the revenue measure in the programme, I have indicated my intention to introduce an interim household utility charge in 2012 on a flat rate basis. I will bring proposals to the Government in the near future on the legislative and administrative requirements necessary to implement the charge. It is my intention that the revenues from the charge will support the provision of locally based services and, in turn, reduce local government's requirement for Exchequer support for the funding of such services.

[Deputy Phil Hogan.]

The programme for Government also proposes the installation of water meters in individual households and the introduction of water charges based on usage above a free allowance. My Department is preparing a strategy to implement these proposals, including the funding of the metering programme. Further details will be made available following Government consideration of the proposals. The EU-IMF programme of support further commits Ireland to introducing water charges for households by 2013 at the latest. However, no decision has been taken by the Government on the exact date for the introduction of water charges by meter.

**Deputy Niall Collins:** I thank the Minister for his reply which is scant on detail. We are aware of the commitment in the four year recovery plan to introduce water charges and a site valuation tax, but I would like the Minister to elaborate on the new flat rate tax he has proposed because it has slipped in under the radar. I am sure his own party's backbenchers and coalition colleagues are disturbed about it. The many hundreds of thousands who voted for the Minister and his party are also alarmed that within their first 100 days in government he will introduce a new utility charge. How much will it be? How will it be levied? Who will pay it? Will there be exemptions for pensioners, the unemployed and those who cannot afford to pay? Will there be a waiver scheme? Could the Minister provide detail on the scheme, primarily, how much it will cost?

To what will the money be dedicated? Will it go into the local authority pot or will it be channelled in a specific direction? Will it be specifically earmarked for the provision of water meters and to cover the cost of their installation?

There is scant detail on the scheme. At the weekend *The Sunday Times* posed the question, "Will the real Minister Hogan please stand up?" in regard to the matter. We seek clarity as there is confusion and there has been a muddying of the waters on a site property tax, the introduction of water charges and the new charge.

**Deputy Phil Hogan:** There is no confusion on this side of the House. The schizophrenic confusion is due to the fact that the then Government, of which Deputy Collins's party was a member, negotiated with the EU-IMF programme——

**Deputy Colm Keaveney:** That is correct.

**Deputy Phil Hogan:** ——and with Mr. Chopra to introduce a household charge.

**Members:** Hear, hear.

**Deputy Colm Keaveney:** That is correct.

**Deputy Phil Hogan:** We are introducing what Deputy Collins's party negotiated. It is disingenuous of him to try to infer that there is a new charge. It is the same charge his party negotiated in Government.

**Deputy Colm Keaveney:** Thank you.

**Deputy Phil Hogan:** We will come forward with details on the implementation of the scheme.

Water metering will have to be paid for. The roll-out of metering will start in 2012. It is a water conservation measure. A lot of water is wasted. The lack of water conservation is now coming home to roost. Following the past two winters people now appreciate more than ever the importance of having good quality and quantity of water rather than be forced to have an inferior system and to purchase bottled water in shops. I wish to ensure we have a good water

conservation strategy based on usage rather than a flat rate and that every household would have a quality and quantity of water paid for by the State and by the taxpayer in a fair way over and above a free, generous allowance for each household. I do not take on board the suggestion put forward by the Deputy opposite that this is a new charge. It is the same one his party negotiated when in government.

### **Fire Stations**

33. **Deputy Brian Stanley** asked the Minister for the Environment; Community and Local Government if his attention has been drawn to the fact that parts of County Offaly are now without any fire service; if his further attention has been drawn to the fact that substantial tracts of land have been damaged in bogfires since the closure of fire stations in Daingean, Kilcormac, and Bannagher; and if he will make a statement on the matter. [11692/11]

**Deputy Phil Hogan:** The provision of fire services in local authority areas, including the establishment and maintenance of fire brigades, the assessment of fire cover needs and the provision of premises is a statutory function of the individual fire authorities under section 10 of the Fire Services Act 1981 and 2003.

Offaly County Council has adopted fire cover standards as part of its statutorily required fire and emergency operations plan, and requests for assistance are responded to promptly and in accordance with those standards from fire stations in the larger towns of the county. No part of County Offaly is without fire service cover.

I understand that factors which influenced the decision to stand down Daingean, Banagher and Kilcormac fire stations recently include issues relating to the provision of training for staff in less busy fire stations, and the substantial fixed overhead costs associated with running fire stations. I emphasise that it is through community fire safety — by ensuring that there are working smoke alarms in all dwellings — that we can prevent needless loss of life through fire.

On the recent wild land fires in County Offaly, I understand that bog fires broke out in a number of locations, and strong winds led to a rapid spread of the fires. Up to 450 Bord na Móna staff using bulldozers assisted the County Offaly fire service in controlling the fires. The County Offaly fire service also deployed up to six units to deal with a bog fire in Ferbane. The non-availability of the stations in Daingean, Kilcormac and Banagher did not impinge on the speed or effectiveness of the fire service response.

**Deputy Brian Stanley:** During the recent bog fires, roads were closed and a significant amount of environmental damage was done. In the case of one of the fires there was a serious delay in response. The Minister will be aware from the inquiries he has made that County Offaly did have eight fire stations and it now has five. County Laois, which is a smaller county geographically, now has eight fire stations with a smaller budget of just short of €3 million. County Offaly has a budget of more than €3 million. The economic situation impinges on everything and I understand that. However, local frontline emergency services such as this must be retained. A response suggesting local services have not been curtailed or limited ignores the reality. Anyone who knows anything about local fire services is aware — as I am as a local authority member for a number of years — that when fire services are called out to a particular area, local knowledge is essential to a quick response. Firemen from a particular town, village or area will know how many people are likely to be in a house if a fire occurs in a house at night in a rural area. They are aware of how many people reside in a dwelling and whether an elderly person lives there. They may even know in which room an elderly person sleeps. This type of local information, knowledge of an elderly person living in a house and sleeping

[Deputy Brian Stanley.]

upstairs, is important if the house catches fire. Some people in the local fire service have this detailed knowledge.

Lives are being put at risk and I urge the Minister to take up the issue. I urge him and his officials to take another look at the situation, with Offaly County Council, to ensure there is a proper fire service throughout Offaly. Banagher is a long way from the centre of the county. I urge the Minister and his officials to examine the issue again and not to walk away lightly from it saying that five local fire stations are adequate for Offaly.

**Deputy Phil Hogan:** Responsibility for the provision of fire services is a matter for the local authority. That there are eight fire stations in Laois and only five in Offaly does not mean they cannot co-operate with each other to deal effectively with fires. Nor does it mean that counties cannot have a plan to ensure that every possible area is covered in the event of an emergency.

The Department's role is through the National Directorate for Fire and Emergency Management, which establishes policy through the local government system in order to implement changes. There is good reason the changes were made by people in the Department in the past and through the local authority system. There is a requirement for consolidation and efficiency in the current financial climate. However, that can be done at the same time as ensuring that people are safe in the knowledge that there is an adequate and appropriate response in the event of an emergency.

**Deputy Brian Stanley:** Whether co-operation can work depends on the geographical situation of the fire, for example if the fire is in the border area of two counties. However, services in the middle of County Laois cannot respond to or help out with a fire in west Offaly, and that is the problem.

**Deputy Phil Hogan:** I agree. However, Deputy Stanley, more than anybody, should understand that boundaries should not interfere with an effect response from fire and emergency services.

### Waste Management

34. **Deputy Luke 'Ming' Flanagan** asked the Minister for the Environment; Community and Local Government if he will be using Mechanical Biological Treatment or Incineration to deal with the country's residual waste. [11793/11]

**Deputy Phil Hogan:** The programme for Government commits to the development of a coherent national waste policy, adhering to the waste hierarchy, which will aim to minimise waste disposal in landfill and maximise recovery. I am prioritising this commitment, as I am anxious to provide early regulatory certainty, in the form of policy and legislation, to ensure that the necessary actions and investments are progressed to achieve those aims.

During the Dáil Second Stage debate on the Environment (Miscellaneous Provisions) Bill on 14 April 2011, I outlined the guiding principles which will inform the waste policy development process. These principles will serve to ensure that future waste policy will: be designed to minimise the volumes of waste generated and to extract the maximum value from those wastes which arise; be founded on a firm, evidence-based understanding of the many scientific, economic and social issues which are inherent elements of the waste policy discourse; and be designed to facilitate necessary investment in infrastructure, within an appropriately regulated waste market framework.

Our current over-reliance on landfill facilities is unsustainable and the move away from landfill must be accelerated. We must ensure that a range of infrastructure is available to treat

the waste we generate in an environmentally appropriate manner. That process of infrastructural diversification must be guided not by a fixation in favour of or against any particular process or technology, but by a policy approach, consistent with the waste hierarchy, which creates the space within which the range of appropriate infrastructure that we need can be brought forward.

I look forward to engaging with parliamentary colleagues and the range of interests in the waste sector in the development of this policy framework. I intend that this work will be completed by the end of this year.

**Deputy Luke ‘Ming’ Flanagan:** I thank the Minister. I still have not established whether he plans on going down the route of mechanical biological treatment or incineration. When I was a local authority member, the regional waste management plans were discussed at the county council. At the time the Minister was in opposition and there was considerable talk about how Fine Gael was planning on having a zero waste strategy. It was not naïve — believing we would have zero waste — but was a goal to strive for.

**Acting Chairman (Deputy Michael McCarthy):** The Deputy should ask a supplementary question.

**Deputy Luke ‘Ming’ Flanagan:** Has Fine Gael moved away from that policy and will it now follow the last Government’s policy? Will we definitely go down the route of burning resources or will we go down the route of maximising the uses to which we can put these resources, bearing in mind the embodied energy used in creating these products that the Minister seems intent on burning?

**Deputy Phil Hogan:** I am sure the Deputy would not expect me to make a policy statement on waste management today when I have already stated I will consult parliamentary Members and agree a waste policy at the end of the year. If he is asking me to make a decision now, I will, but I would like to consult people about it. The Deputy was a member of a local authority which, in conjunction with others, had to draw up a regional waste management strategy. It was up to local authority members and members of regional authorities to help in drawing up such a strategy by way of a devolved function. Unfortunately, at the time councillors abdicated responsibility on the direction they wanted to take in devising a waste strategy and ultimately the then Minister for the Environment, Heritage and Local Government was forced to abandon the process of consultation and take responsibility for decision making from local authority members and give managers in counties and regions the necessary powers to make decisions without reference to those who had been democratically elected. I do not want to go down that road either. If people want to make decisions about the future of waste policy, to have devolved functions and responsibility restored to them, they must equally be accountable for the decisions they make. I will set out the process by which this can be achieved by the end of the year.

**Deputy Luke ‘Ming’ Flanagan:** With respect, it was not the actions of local authority members such as me that led to power being taken away. In fact, when I was a county councillor, we did not have that power. It was weak-minded people such as Fine Gael and Fianna Fáil local authority members who could not deal with the facts; they went with what the crowd was saying at the time.

**Acting Chairman (Deputy Michael McCarthy):** The Deputy should ask a supplementary question.

**Deputy Luke ‘Ming’ Flanagan:** What power did local authority members have, other than the power to talk about the matter in the past six or seven years? The power rested completely with the county manager. Surely, as a democrat, the Minister believes it should rest with elected local authority members who are closest to the problem. Where do local authority members have an input into the process? I never had one as a county councillor; it was an executive function.

**Deputy Phil Hogan:** The Deputy might not have been a member of Roscommon County Council, but I am sure he has heard that local authority members at the time had the power to draw up regional waste management plans.

**Deputy Luke ‘Ming’ Flanagan:** Not in the past six years.

**Acting Chairman (Deputy Michael McCarthy):** The Minister to continue, without interruption, please.

**Deputy Phil Hogan:** Rome did not start six years ago either. The Deputy started late, but he is making up for lost time. I want to return what is a devolved function to local authority members to deal with waste issues. However, they will do so based on guiding principles for national waste policy which the Deputy will have an opportunity to discuss while he is a Member of this House in the near future.

### **Homelessness Strategy**

35. **Deputy Michael P. Kitt** asked the Minister for the Environment; Community and Local Government his plans for reviewing and updating the existing homeless strategy as committed to in the Programme for Government; and if he will provide a time line for the introduction of this strategy. [11795/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** The commitment in the programme for Government to review and update the existing homelessness strategy is timely as Departments and agencies, together with community and voluntary service providers, are midway through the implementation of The Way Home — A Strategy to Address Adult Homelessness 2008-2013. From my initial discussions with representatives of the sector, the appropriate strategies are largely under way, including measures to end involuntary rough sleeping and improve delivery of mainstream housing to enable those residing in emergency homeless accommodation to move to independent living. However, key targets intended to be met by the end of 2010 have not been achieved and the current strategy review will take account of demands on existing housing, assess how best to provide additional services and ensure more effective prevention strategies. The Government will work with the sector to target aggressively the root causes of homelessness. As part of the updated strategy, a “housing first” approach to accommodating homeless people will be introduced. In this way, we will be able to offer homeless people suitable long-term housing in the first instance and radically reduce the use of hostel accommodation and the associated costs for the Exchequer.

Following consultation within the sector, and in parallel with the Government’s expenditure review, I intend to complete the homelessness strategy review and introduce an updated strategy this autumn, including clear performance targets and associated timelines.

**Deputy Michael P. Kitt:** I thank the Minister of State. Has he engaged with or will he engage with the housing authorities, particularly those in Dublin where homelessness is most pro-

nounced? Has he had any engagement with the Minister for children given that more than 1,500 young people under 18 are homeless each year in Ireland?

**Deputy Willie Penrose:** I have already had preliminary discussions with the main service providers and relevant stakeholders, who believe the overall strategy is reasonably sound. What they are eager to see is an acceleration of the implementation of the targets that have been set. I will certainly be working towards this. I intend to complete the homelessness strategy review and introduce an updated strategy this autumn, including clear performance targets.

Youth homelessness is an important issue on which there will be a particular focus. The Government's commitment to reviewing and updating the existing homelessness strategy includes a specific focus on youth homelessness, as alluded to by Deputy Kitt.

Responsibility for the new homelessness strategy rests primarily with the Minister for Health and Children in view of the HSE's responsibility to provide care for children and youths up to 18 who can no longer remain at home. As indicated in my reply, I intend to work closely with the Minister for children, Deputy Frances Fitzgerald, in the interest of having a joined-up service and proper care and discharge procedures to ensure 18 year olds moving on from child care services have appropriate follow-up care and accommodation arrangements to prevent homelessness.

I will take on board the suggestion of Deputy Kitt and work in that regard. I am certainly open to suggestion and am not averse to considering proposals by him or any other Member of the House. This is to ensure the scourge of homelessness, particularly youth homelessness, is ended once and for all. This is a noble objective but trying to achieve it will certainly not be easy. I am encouraged, however, by the extent of my engagement with the relevant stakeholders and I will continue to engage with them over the coming months.

**Deputy Michael P. Kitt:** I thank the Minister for his answer. Focus Ireland stated that, at any one time in Ireland, there are 5,000 homeless men, women and children. Will new legislation be required when the Government introduces an updated homelessness strategy? Will the Minister of State consider the introduction of the new youth homelessness strategy, particularly within his first six months in office?

**Deputy Willie Penrose:** As I stated, I am prepared to consider every suggestion to ensure that the Government's objective will be achieved while maintaining funding at its existing level, that there will be no reduction in the provision of essential front line services in 2011, and that the reconfiguration of services currently under way in Dublin can be completed. That is an extremely important objective in addition to that of offering continuous support for the roll-out of the regional homelessness action plans across the country.

The 34 local authorities have adopted homelessness action plans and their doing so will allow for greater integration of responses at local and regional levels. Our objective now is to accelerate our response to meet the targets set out in *The Way Home: A Strategy to Address Adult Homelessness in Ireland 2008–2013*. We will certainly be reviewing these issues. I would be surprised if additional legislation were required but, if so, we will certainly take cognisance of it in the context of submissions by Focus, Threshold and all the other groups involved.

### **Local Authority Staff**

36. **Deputy Seamus Healy** asked the Minister for the Environment; Community and Local Government if he will remove the embargo on the filling of posts in the Local Government Service in view of the fact that the reduction of numbers is having a perilously detrimental effect on services to the public by local authorities. [11804/11]



**Deputy Phil Hogan:** The embargo on the filling of posts in the local government service was introduced on 24 March 2009 following a Government decision to implement savings measures across the wider public service. My Department received a delegated sanction from the Department of Finance in August 2009 for implementation of this general moratorium on the filling of public sector posts across all local authorities. This is on condition that the overall staffing levels in the sector are reduced significantly by the end of 2013.

The local government sector reduced numbers in terms of whole time equivalent staff by some 6,600 between June 2008 and March 2011. The total staff number, in whole time equivalents, is now 30,600 and the employment control framework target for local authorities is 30,000 by end 2013. Under section 159 of the Local Government Act 2001, each county and city manager is responsible for staffing and the organisational arrangements necessary for carrying out the functions of the local authority for which he or she is responsible. In this regard, it is a matter for county and city managers, in the first instance, to ensure that the reduction in staff numbers is managed so that the appropriate service level is maintained.

Where vacancies arise, local authorities must consider all options for reorganisation and reallocation of work to meet requirements. Any exceptions to the moratorium require sanction from the Department. All staffing sanction requests are examined on a case-by-case basis having due regard to the continued delivery of key services and the need to further reduce overall staffing levels in the local authority sector. The Department works closely with local authorities to ensure that key posts are filled. In this regard, the majority of the sanctions granted are for the filling of posts in front-line service areas such as water services, roads maintenance, housing, community and enterprise, fire and emergency services and in the case of some capital projects.

In view of the financial position facing local authorities and the country as a whole, we must continue to focus on achieving the greatest possible savings. The Department and local authorities will continue to make every effort to ensure that further efficiencies and savings are attained by the sector while an appropriate level of service to the public is maintained.

**Deputy Seamus Healy:** This embargo has devastated local authority staff. It was commenced by the Fianna Fáil and Green Party Government and has been continued by the Fine Gael and Labour Party Government. More than 6,500 staff have effectively been removed from the local authorities. There are now no replacements for retirements and resignations, and temporary staff have long since gone. There are also no replacements for staff on maternity leave, sick leave or annual leave. Local authority staff are trying to cope with a massive work overload but, despite their best efforts in working above and beyond the call of duty, the service to the public is being affected and is being significantly reduced. The pressure on the staff is having a detrimental effect on their health. The recent suggestion by the Tánaiste that the remaining staff should take up the slack shows that he is completely out of touch with the local authority scene. There is no slack and the staff are working above and beyond the call of duty. In circumstances where services are being reduced and staff are under huge pressure, does the Minister not agree it is time to lift the moratorium and begin filling posts in local authorities?

**Deputy Phil Hogan:** The moratorium will not be lifted in the foreseeable future. It is clear that local authorities could not maintain key services with a blanket embargo on recruitment and for that reason they have the option of making representations and requests to the Department. These are examined on a case by case basis, particularly in the context of maintaining full front-line services. If the Deputy or others can outline some key requirements regarding the filling of posts, they will be examined by the Department, regardless of previous sanctions. It would not be possible to maintain front-line services with the blanket embargo mentioned by the Deputy but the moratorium will remain in place and the filling of key posts in local authorities will require the sanction of the Department.

**Deputy Seamus Healy:** We have 440,000 people unemployed and the last thing we should do is add to that number. We should also not add to the direct cost to the State of unemployment, given that each additional person on the live register costs approximately €20,000. There is also the knock-on effect of the loss of jobs in local authorities. It is accepted that each new job generates approximately three jobs in downstream employment.

Similarly, one job loss in a local authority means the loss of another three jobs downstream. Given that there are 440,000 people unemployed, surely this is madness. We need to retain staff, remove the embargo, inflate the economy and create jobs.

**Acting Chairman (Deputy Michael McCarthy):** The time for Priority Questions has expired. We must move on to ordinary oral questions.

## Other Questions

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### Housing Advice Services

37. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment; Community and Local Government when the high level expert group on unfinished housing developments will complete its work; and the date on which it will publish its final report. [11503/11]

**Deputy Willie Penrose:** The high-level advisory group on unfinished housing developments, established in October 2010 following the publication of my Department's national housing development survey database, is identifying practical and policy solutions to address the difficulties associated with unfinished housing developments effectively and promptly. On foot of the interim analysis and findings of the advisory group, published on 17 February 2011, initial funding of €5 million is being made available to local authorities to deal with immediate safety issues and works to improve the living conditions for existing residents. My Department has put in place the necessary arrangements for local authorities to make applications for funding in the most urgent and serious cases.

The initial findings of the advisory group indicate that action on unfinished housing developments will require a collaborative approach by all stakeholders working together to co-ordinate their efforts to resolve the unfinished developments; an immediate focus on public safety aspects and critical issues affecting residents of such developments; a structured and prioritised approach by local authorities supported by central resources; the use of site resolution plans and, where appropriate, innovative options such as residents and community involvement, co-operatives and self-build within the resolution process; and national co-ordination and monitoring of regionally and locally organised efforts to tackle the problem.

I received the final report of the advisory group on unfinished housing developments on 6 May 2011. I am considering its findings and recommendations as a matter of urgency and will bring proposed actions and recommendations to the Government for approval shortly with a view to publishing the report as soon as possible thereafter.

**Deputy Brian Stanley:** I am glad that the Minister of State received the report on 6 May. We do not want the Government to convene expert groups that fail to deliver quick outcomes. This issue is of great concern. The €5 million available to complete unfinished sites and housing estates can be put to good use. I know of applications that have been made for that money that the Minister of State should examine. In some cases there is not much money involved, but €5 million is still not adequate to deal with the number of estates.

[Deputy Brian Stanley.]

The previous Government commissioned a report that studied the number of unfinished estates. Many of these sites are unsafe. They are unfit for human habitation. They have half finished roads, no lights, unsafe access routes and building materials stacked all over them. I would like the Minister of State to look at the funding to make those sites safe. This has to be a key priority.

**Deputy Willie Penrose:** I agree with Deputy Stanley and I have the commitment in this area. The €5 million is an initial amount and it is provided by the State to the local authorities. Most people in the House know that it is the developers and the owners of unfinished housing developments, or the receivers when they are appointed, who have the primary legal obligation to address outstanding problems associated with these developments. I want any public funds spent under this provision to be recouped from the developers and the receivers. The public have put enough money into developments and I do not want to be seen as an easy touch.

There are four categories of development. The most important is where the development might be in place but there is no on-site activity, yet there is significant planning, building control compliance and public safety issues, or where the developer or site owner cannot be contacted and the estate is basically abandoned. This fourth category of development is the area on which I will be concentrating as a matter of priority. If there is additional money, I will try to provide it. Many submissions have already been made and these are now being assessed, and I will try to ensure that adequate funding is provided. I would like developers also to play a role.

**Deputy Brian Stanley:** How much of the €5 million allocated to deal with the issue of unsafe estates has been drawn down to date by local authorities?

**Deputy Willie Penrose:** None to date. They have only been recently received and they are being assessed.

I do not want to see any delay. Deputy Stanley referred to reports being prepared and then gathering dust. I do not want to see this gathering dust. I want to ensure that there is action on foot of the recommendations because, as the Deputy will be aware, it nearly took a Herculean effort to get everybody on board in relation to the advisory group.

It was a fairly high-level advisory group and now that we have recommendations, let us act on them. The recommendations will not satisfy everybody. All I can say from my preliminary perusal is that they are a good start. That is what it is, just a start.

I certainly would be encouraging the Department. There will be no delay or obfuscation on my part. I want this to work. My primary concern is the residents and those who paid big money for houses in those estates, some of which are deemed unsafe or fail to comply with the building regulations.

**Deputy Catherine Murphy:** On solutions, some of the estates would have been covered by bonds. The only institution which gave a bond in perpetuity was Anglo Irish Bank. All of the other bonds have time limits on them. Would the Minister of State consider looking at the embargo in the context of employing persons who can call some of those bonds in where they are at risk of elapsing and then it will fall back on the local authority? I am concerned that we will miss an opportunity with some of those bonds that have a fixed term of something like seven years.

**Acting Chairman (Deputy Michael McCarthy):** A short reply from the Minister of State. We are out of time.

**Deputy Willie Penrose:** Where there are bonds attaching that are active and alive, I would be surprised if any local authority did not ensure that it would be taking all steps, including legal recourse, so that the bonds available are utilised in the context of dealing with the particular problems that have arisen, but if Deputy Catherine Murphy brings a particular case to my attention, I certainly will pursue it vigorously with the local authority because this is a vital aspect. In fairness, Deputy Murphy raised a significant aspect. There will be recommendations in the context of the report concerning the issue of bonds and how they might be dealt with in the future.

### **Local Authority Housing**

38. **Deputy Brian Stanley** asked the Minister for the Environment; Community and Local Government if he will consider using ghost housing estates held by the National Assets Management Agency for social housing; and if he will make a statement on the matter. [11502/11]

**Deputy Willie Penrose:** Two of the key challenges for the housing sector at present are the oversupply of housing in certain areas, including in respect of unfinished estates, and the need sustainably to meet the increasing demand for social housing in the context of a severely restricted resource environment.

In terms of unfinished housing estates, my Department established a high-level expert group in October 2010, following the publication of the National Housing Development Survey database. This group, which included representation from the National Asset Management Agency, has outlined a range of actions on unfinished housing estates, including requiring a collaborative approach from all stakeholders to resolve unfinished developments, a focus on public safety, a structured and prioritised approach from local authorities, the use of site resolution plans, and national co-ordination and monitoring of regional and local efforts to tackle the problems. This group has now presented me with a final report which I will consider before bringing proposed actions and recommendations to Government for approval.

There are clear linkages between the roles of my Department and the National Asset Management Agency in addressing the challenges involved and there is significant potential to align the objectives of the two organisations.

My Department has engaged extensively with representatives of NAMA and I have also met with the chairman and CEO of NAMA to discuss means of securing a social dividend through the acquisition of suitable residential units for social housing purposes, while providing a return in line with NAMA's mandate. I hope that this engagement will see the delivery of increased social housing provision in the short term.

**Deputy Brian Stanley:** As the Minister of State will be aware, there is a massive demand for social housing. It is estimated there are approximately 55,000 applicants waiting for local authority housing. We need to avoid the boom-bust property model of previous Governments and reorientate how we provide housing towards the public provision of social housing.

NAMA holds much of the property.

**Acting Chairman (Deputy Michael McCarthy):** I invite Deputy Stanley to ask a question. Time is running out.

**Deputy Brian Stanley:** My concern is this: if the taxpayer is footing the bill for NAMA, where is the dividend for the people? I note that the Minister of State is raising the issue but this needs to be pursued vigorously by Government. The public is bankrolling NAMA. We are bankrolling the banks.

**Acting Chairman (Deputy Michael McCarthy):** A question please.

**Deputy Brian Stanley:** There must be a public dividend here. What steps will be taken over the next number of months?

**Acting Chairman (Deputy Michael McCarthy):** The Deputy's time is up.

**Deputy Brian Stanley:** Local authorities are renting houses left, right and centre for social housing purposes. We need to move away from this towards providing rent allowance, long-term leases and the rental accommodation scheme.

**Acting Chairman (Deputy Michael McCarthy):** I call on the Minister of State to reply.

**Deputy Brian Stanley:** There are many empty houses which should be used for this purpose. Will the Minister of State outline the steps that will be taken to do this?

**Deputy Willie Penrose:** Approximately 180 category 4 unfinished housing developments have been identified and we are exploring with NAMA how many are under its control. Two issues arise — loans and property. Loans are under NAMA's control. However, properties are under NAMA's control only when parties fail to agree a plan, as we have seen happen in recent weeks. NAMA is accelerating this process and we can work only where we have the legal power to do so. We should not have the view that NAMA is the panacea to all of our social housing problems; that would be very foolish and I will not give any hostages to fortune, or mislead people who come from the same environment as I did, having been born and reared in a social house provided by Westmeath County Council.

**Acting Chairman (Deputy Michael McCarthy):** The Minister of State's time is up.

**Deputy Willie Penrose:** I have met Mr. McDonagh and the chairperson and they know my views on the social dividend. However, if one reads the legislation carefully, one will see that the first priority of NAMA is to have a commercial remit, after which the social dividend comes.

**Acting Chairman (Deputy Michael McCarthy):** I thank the Minister of State.

**Deputy Willie Penrose:** I thought we had more time. I would like to have a discussion on these issues.

**Deputies:** Hear, hear.

**Deputy Richard Boyd Barrett:** We agree with the Minister of State.

**Deputy Niall Collins:** The Minister of State is a great man for the filibuster.

**Acting Chairman (Deputy Michael McCarthy):** These are the rules of the House.

**Deputy Willie Penrose:** I know what the rules are.

**Acting Chairman (Deputy Michael McCarthy):** These are ordinary questions, to which time-frames apply.

**Deputy Richard Boyd Barrett:** The Minister of State is dead right.

**Acting Chairman (Deputy Michael McCarthy):** Two questions remain. I call on Deputy Paudie Coffey to ask a question.

**Deputy Paudie Coffey:** What the Minister of State has said is fine, but I ask him to exercise caution in taking over NAMA estates for social housing purposes.

**Acting Chairman (Deputy Michael McCarthy):** A question, please.

**Deputy Paudie Coffey:** Is it essential that from these houses there is access to social services such as schools? The question on bonds discussed earlier is very important because throughout the country it has been found that bonds are totally inadequate to fix estates.

**Acting Chairman (Deputy Michael McCarthy):** Time is up.

**Deputy Paudie Coffey:** Will the Minister of State revise the bond system and instruct local authorities accordingly?

**Acting Chairman (Deputy Michael McCarthy):** The Minister of State has a full minute to reply.

**Deputy Willie Penrose:** I had better obey this time.

I will examine the bonds issue because there is a recommendation on unfinished housing developments. Deputy Brian Stanley was concerned that this issue would be put on the long finger. I will chair the co-ordinating group charged with overseeing the implementation of the objectives set. That is how seriously the Government takes the matter. It is correct that the objectives should be to maximise the delivery of social housing to cater for the greatest level of need while achieving good value. However, we cannot create a situation where every estate under NAMA's control will be taken for social housing purposes. That would be the wrong direction to take and I will not go down that road. Another consideration is that social housing must be well located. It is of no use having social housing in the middle of the countryside with no access to services.

**Deputy Paudie Coffey:** Hear, hear.

**Deputy Willie Penrose:** The cure could be worse than the disease. Deputy Richard Boyd Barrett has raised this matter and asked me about assessment requirements which in response I have loosened.

The reference made to 50,000 applicants by Deputy Brian Stanley is very generous. I can see the number being much greater because many more people will be on social housing lists. I do not see anything wrong with this because I want to have an integrated social housing list, where some people will have incomes, others will be in receipt of social welfare payments and others will have other means.

**Acting Chairman (Deputy Michael McCarthy):** I thank the Minister of State.

**Deputy Willie Penrose:** I will take cognisance of this because, if possible, I want social housing to be provided adjacent to schools and other services.

39. **Deputy Michael P. Kitt** asked the Minister for the Environment; Community and Local Government his plans to tackle sewerage and damp problems in social housing estates in which regeneration projects and the detenanting scheme have stalled in recent years; and his priorities for urban regeneration as committed to in the Programme for Government. [11532/11]

40. **Deputy Pádraig Mac Lochlainn** asked the Minister for the Environment; Community and Local Government if his attention has been drawn to the recent experience of regeneration

[ Deputy Pádraig Mac Lochlainn.]

projects (details supplied); and his position on the use of public private partnerships in view of this. [11520/11]

53. **Deputy Mary Lou McDonald** asked the Minister for the Environment; Community and Local Government if his attention has been drawn to a recent episode of a television programme which portrayed the unhealthy and inhumane conditions that many Dublin City Council tenants reside in, notably in an estate (details supplied) and other stalled regeneration projects; and if he will make a statement on the matter. [11514/11]

59. **Deputy Joan Collins** asked the Minister for the Environment; Community and Local Government the action he will take regarding the reports from a programme (details supplied); and if he will make a statement on the matter. [11380/11]

**Deputy Willie Penrose:** I propose to take Questions Nos. 39, 40, 53 and 59 together.

My Department currently supports an ambitious programme to deliver integrated physical, social and economic regeneration, ranging from large-scale urban regeneration projects like Ballymun and Limerick city to smaller estate-wide regeneration projects in Dublin city and in a number of towns around the country. This year my Department is providing €124.6 million to support the national regeneration programme. This represents almost 25% of the overall 2011 budget for the social housing investment programme.

The regeneration projects currently being progressed are almost entirely Exchequer funded. Public private partnerships, PPPs, have played an important role in regenerating social housing estates and in providing social, private and affordable housing in a number of areas. That said, such developments are only possible when market conditions permit.

In response to the downturn in the housing market and the prevailing economic climate in 2008, the private investment envisaged for a number regeneration projects has not materialised. As a result Dublin City Council suspended its PPP programme for St. Michael's Estate, O'Devaney Gardens, Dominick Street, Croke Villas, St. Teresa's Gardens and Dolphin House.

In the absence of PPP alternatives and with the support of my Department, the city council established a multi-disciplinary special housing taskforce to examine all options with regard to the future regeneration of the areas concerned.

The taskforce prioritised three areas for regeneration — St. Michael's Estate, O'Devaney Gardens and Dominick Street. Last autumn, my Department approved the city council's first phase of redevelopment in St. Michael's Estate, with Exchequer funding of €5.8 million being provided for the social housing element. Outline proposals for O'Devaney Gardens and Dominick Street have also been agreed with my Department and the Council has indicated that it will be presenting detailed plans for funding in the course of 2011.

My Department continues to support the city council's de-tenanting strategy to facilitate the ultimate regeneration of all the flat complexes concerned. Exchequer funding of €7 million has been set aside in 2011 to support this programme of works, including €2.625 million specifically for the relocation of tenants.

With regard to the specific issues raised in relation to Dolphin House, I emphasise that ongoing management and maintenance of this flat complex is a matter for Dublin City Council. It is incumbent on the city council to put forward a clear vision for the ongoing management and future regeneration of the complex and to develop strategies and work programmes, in collaboration with my Department, which will give practical effect to this vision. For my part I will support to the fullest possible extent any agreed strategy which will have an immediate

as well as a long-term impact on the standard of the accommodation and living conditions in Dolphin House as well as in the other areas of the city.

Last week I met the city manager, the assistant city manager with responsibility for housing and their technical and administrative team to ascertain the position in relation to management and maintenance issues in Dolphin House and elsewhere and to hear the council's plans for their future regeneration. I am assured that the council is taking a proactive approach to resolving issues in relation to ingress of damp, drainage and ventilation in Dolphin House. I accept that accommodation which was designed and built more than 50 years ago has not kept pace with modern lifestyles. However, retrofitting and refurbishment can overcome this in most circumstances. As an immediate first step in establishing what works are necessary to improve living conditions in the complex, the city council, in consultation with tenants, will now commence a condition survey of all these housing units. This survey will inform a programme of maintenance works to be carried out at Dolphin House by Dublin City Council.

**Acting Chairman (Deputy Michael McCarthy):** Before I call Deputy Kitt, I remind Deputies that under the rules, each Deputy has one minute to ask a supplementary question and the Minister has one minute to reply. They are the rules and I will enforce them accordingly.

**Deputy Michael P. Kitt:** On "Prime Time" on 3 May, on which the Minister of State was interviewed, very disturbing facts emerged about dampness, sewage and children with health problems. What is the situation in regard to funding? Is the Minister of State considering other public private partnership funding or other funding? What are the proposals from Dublin City Council in regard to the three estates mentioned in the television programme?

**Deputy Willie Penrose:** Dublin City Council has prioritised the programme of regeneration and is making submissions to us in that regard. In regard to the public private partnerships, the market conditions are not there, except in exceptional circumstances where local authorities' land or sites would command a high value or price. They fell away in 2008. One of the problems was putting all the eggs in one basket in terms of relying on public private partnerships as a way to deal with this issue.

Dublin City Council is very much engaged with the residents. It has discussed details of the conditions with the residents and agreed with them that it will have further discussions with them after the first 20 properties have been surveyed to see what emerges and how it will progress. It is important that this process continues without let-up. I am pleased the local authority has engaged with the tenants directly. The conditions survey is being carried out and must be completed quickly. I assure the Deputy that my Department will work with Dublin City Council, which is the responsible authority. Funds are limited but we have secured 25% of the available capital funding for regeneration projects.

Deputy Kitt must realise that the Ballymun regeneration is proceeding apace. Some €700 million has already been spent on this, which is the biggest regeneration project in Europe. Some €53 million has been allocated towards it, with €35 million allocated to Limerick. The Limerick project will cost €346 million, to be completed in 2015 or thereabouts. Money is extremely limited and I do not want to give false hope to people. I will work with local authorities to ensure there is necessary additional funding. I will engage in this regard to ensure that, as a first step, appropriate remedial and refurbishment works take place.

**Deputy Brian Stanley:** I am concerned about the failure of previous PPP housing regeneration projects. Residents of St.. Michael's Estate, Inchicore, have endured many broken promises and delays. The residents of Dolphin House endure inhumane conditions that are difficult to imagine, let alone live in. The regeneration projects are long overdue and people are living



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in these complexes as a result of failed PPPs. If Members or Ministers had to live in these complexes, we would all be hopping mad about this. Does the Department have an action plan to deal with the outstanding projects in the State?

**Deputy Willie Penrose:** It is not the Department but Dublin City Council that brings forward proposals and prioritises. The council has set up a housing task force since the collapse of the PPPs in 2008. Phase 1 of St. Michael's Estate, consisting of 75 new units of accommodation, is under way. Demolitions are planned for this summer and the family resource centre will be moved. Funding has been agreed to undertake this work. In Dominick Street, 65 of the units are still occupied and demolition work will commence later this year. A statutory planning application was lodged at the end of 2010. Subject to confirmation of planning and detailed proposals from the council, the Department will consider the project for pre-tender approval.

At O'Devaney Gardens, some 88 units are occupied. A planning application was lodged in December 2010 and approval has already been secured in respect of demolition. Detailed funding proposals are awaited from Dublin City Council. The council has set out its prioritisation list in this context. I must act in the context of what comes forward. In straitened economic circumstances, with limited resources, people are entitled to live in decent accommodation. The conditions illustrated are unacceptable and deplorable.

**Acting Chairman (Deputy Michael McCarthy):** I call Deputy Boyd Barrett. I ask him to put a question.

**Deputy Richard Boyd Barrett:** Given the disastrous failure of PPPs to deliver for St. Michael's Estate and Dominick St., has the Government decided to abandon that model when trying to progress regeneration? I hope it has. Will the Government consider moving to a direct labour approach to the regeneration of estates, refurbishment works for council estates and the construction of social housing? This is a quicker way of doing it and is not vulnerable to the ups and downs demonstrated by PPPs that are dependent on private developers involved to make a quick buck. Even with the tendering process, where it is outsourced, there are major delays. There is a regeneration project in Dun Laoghaire, which took ten years because private developers——

**Acting Chairman (Deputy Michael McCarthy):** The Deputy's time is up.

**Deputy Richard Boyd Barrett:** ——kept going out of business. Why do we not employ some of the unemployed construction workers directly to do this regeneration work?

**Acting Chairman (Deputy Michael McCarthy):** The Minister of State has one minute.

**Deputy Willie Penrose:** The good news is that Dun Laoghaire is finishing this year. It has been finalised at long last.

**Deputy Richard Boyd Barrett:** It took this long.

**Deputy Willie Penrose:** The model of delivering regeneration through PPPs had merit, as evidenced by the successful regeneration of Fatima Mansions. The project was widely acclaimed as a regeneration success and was delivered at no net cost to the city council. It is also beneficial to meeting the objectives of sustainable communities, as these usually involve a mixture of private and social housing and community and commercial development. The Fatima development is an example of the mixed use and mixed tenure approach. Regarding the future rel-

evance of PPPs in regeneration, the market conditions are not there at present except in circumstances where local authorities' land or sites command high prices.

One remaining PPP project is under consideration, at Charlemont Street, and it was granted planning permission on 5 May 2011. The city council is in the process of commencing consultation with local residents and their representatives. That will be overseen by the NTMA and the procurement process will commence shortly. Some 180 units will be used for social housing purposes, with a significant number of them set aside as replacement units for current residents.

Deputy Boyd Barrett's point about employment is well made and I am not averse to it in respect of getting the maximum number of people in employment.

**Acting Chairman (Deputy Michael McCarthy):** Deputy Wallace has one minute.

**Deputy Mick Wallace:** Will the Minister of State consider examining the manner in which PPPs are appointed and their structure? The structure is flawed and there is good reason the estates that were not developed were held by the same builder-developer. The manner in which the selection process works has major problems. Most builders could not possibly get on the list. Only a handful of builders in Ireland could tick all the boxes and I question the way the council is operating it.

I ask the Minister to seriously consider how work is assessed and controlled and the quality of workmanship.

**Acting Chairman (Deputy Michael McCarthy):** Deputy Wallace's time is up.

**Deputy Mick Wallace:** This may apply to private or social housing. There is no proper control of workmanship. In the private sector, engineers and architects sign off on the work but the builder-developer pays the architect and engineer so they have no choice but to go along with him.

**Acting Chairman (Deputy Michael McCarthy):** The Deputy's time is up. Thank you, Deputy Wallace.

**Deputy Mick Wallace:** We did away with the clerk of works years ago. Fianna Fáil got rid of them when it suited the party and its friends and we need to introduce a system for controlling workmanship.

**Deputy Willie Penrose:** Deputy Wallace has a head start on me on this, notwithstanding the fact that I come from a family involved in building at a very low level. Deputy Wallace indicates that it was extremely difficult for small firms to engage in PPPs. Standards were so rigid and forms were so detailed——

**Deputy Mick Wallace:** It was not related to standards.

**Deputy Willie Penrose:** I was not aware of that. I will be here ten weeks tomorrow. It is something I may well explore, particularly in the context where proposals emerge from Dublin City Council for other areas. In the context of limited resources, there may be a new way of evaluating PPPs. I will ask that this be examined.

I support the old clerk of works system, which worked extremely well. Generally, these people had detailed knowledge and attended at 8 a.m and were the last to leave in the evening. I was a junior in these matters when I was working as a student but I saw that system at work. Deputy Wallace is an advocate of the return of something of that nature and says workmanship now is not as good as it should be. These are issues I am eager to explore to ensure projects

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let slip in 2008 can be brought back from the back burner to ensure ordinary people can live in decent, habitable accommodation. That is the least we owe them. A number of steps are required to ensure the process is accelerated and front loaded. I will pursue this and Deputy Wallace, who has experience in this area, may have details to furnish. I will examine them in that context.

**Deputy Tony McLoughlin:** I welcome the allocation of €2 million in the current year for regeneration in Sligo. It has been brought to my attention that a commitment was given by a former Minister of State regarding house repairs within the catchment area. I request that the current Minister of State place a portion of this €2 million, perhaps in the region of €200,000, in an allocation for house repairs within that catchment area. The building programme will commence in Sligo within the regeneration area.

I am concerned because many builders in my area are quoting but are not in a position to get any of these contracts. These builders are being undercut by builders from elsewhere. In areas around the Border in particular, such as my constituency of Sligo and north Leitrim, it is vital for us to give priority to people living in the area. They have given service and worked extremely hard over the years in the building trade.

The Minister of State should consider the allocation for house repairs. A commitment was given by a former Minister of State and Deputy, Mr. Finneran, to those in Sligo in the past. We should consider giving builders from the region the opportunity to carry out this work.

**Deputy Willie Penrose:** I have heard Deputy McLoughlin's suggestion that €200,000 be ring-fenced for the repair of housing within the Sligo Borough Council area. That is from the €2 million being allocated to the Cranmore development. As I understand it, that has been delayed for a considerable period but has now been given the green light. I will ascertain if commitments were given in that regard and I anticipate that if they were, Sligo Borough Council would furnish full and comprehensive detail in respect thereof. I am not in a position to give a commitment standing here without examining the file on the matter for Sligo and the Cranmore area. I will have the matter reviewed in that context.

On the question of contracts, Deputy McLoughlin is well aware that once the project values exceed €1 million, they must be advertised in the Official Journal so everybody has the opportunity to participate in the process. Deputy McLoughlin may be alluding to the fact that tendering procedures should be looked at so that contracts can be broken down. The Deputy has alluded to people trying to secure some valuable work in order to provide very important employment to some of the 440,000 unemployed people. There may be a way to ensure the people referred to by the Deputy have a chance to secure some of those contracts in order to provide much-needed employment. Perhaps that is the way forward.

41. **Deputy Michael Colreavy** asked the Minister for the Environment; Community and Local Government if he will provide a breakdown of the average turn-around time for void houses in each local authority area across the State. [11523/11]

49. **Deputy Michael Colreavy** asked the Minister for the Environment; Community and Local Government the amount of Exchequer funding available to local authorities to assist them in maintaining an active voids reletting programme; and the amount of this funding that has been drawn down by each local authority area since it has been established. [11524/11]

**Deputy Willie Penrose:** I propose to take Questions Nos. 41 and 49 together.

The sixth annual report of the Local Government Management Services Board, published in February 2011, which details service indicators in local authorities in 2009, shows the average time taken, from the date of vacating of a unit to the date when all necessary repairs are carried out, to re-let a unit in each authority. The figures show that some 4,286 dwellings were vacant, accounting for 3.4% of the total national social housing stock of around 126,000 units.

The length of time taken to re-let units varies considerably between authorities and ranges from as little as one week in Limerick City Council to as high as 45 weeks in South Tipperary County Council. I propose to circulate with the Official Report a tabular statement, based on the information set out in the report, outlining the time taken to re-let dwellings in all local authority areas.

It is a matter for each local authority, as an integral part of the management and maintenance of the social housing stock, to carry out any necessary pre-letting repairs and maintenance works to dwellings which are vacated by tenants in order to re-let the units to new tenants within the shortest possible timeframe. Under my Department's social housing investment programme, local authorities are allocated capital funding each year in respect of a range of measures to improve the standard and overall quality of the social housing stock. This includes the carrying out of repairs and refurbishment works on both occupied and vacant dwellings. It is a matter for each local authority to determine the level of resources to be directed towards refurbishing vacant properties from within the allocations notified to them.

The overall capital provision from my Department in respect of improvement works to the national housing stock for 2011 is €31 million. This does not include funding for large-scale regeneration projects and estate-wide remedial works projects which also include retrofitting and refurbishment works on vacant dwellings, for which a further provision of €172 million is being made this year. My Department's improvement works programme is specifically targeting vacant dwellings in 2011 with the objective of returning the maximum number of vacant units to productive use at reasonable cost. In the case of casual or short-term vacancies, a grant of up to €18,000 or 90% of cost, whichever is the lesser, is recouped to the local authority in respect of works to improve the standard and the energy efficiency of a dwelling.

In the case of properties which have remained vacant for a protracted period or properties which have fallen into a state of serious disrepair, a special measure is being introduced this year which will allow local authorities to claim up to €35,000 for each unit returned to productive use. Authorities are required to prepare an Improvement plan for vacant properties for 2011, outlining the number of vacant properties on hands and setting out the proposed measures to improve these properties.

My Department's records show that over the period 2004 to 2010 some €52 million was recouped to local authorities in respect of improvements works on vacant properties. I will also circulate with the Official Report a tabular statement setting out details in this regard.

*Additional information not given on the floor of the House.*

Average time taken (in weeks) from the date of vacation of dwelling to the date when all necessary repairs are carried out and which are deemed necessary to re-let the dwelling

| County Council        | Average time taken (in weeks) |
|-----------------------|-------------------------------|
| Carlow County Council | 17.7                          |
| Cavan County Council  | 13.0                          |
| Clare County Council  | 18.2                          |
| Cork City Council     | 17.9                          |

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| County Council                        | Average time taken (in weeks) |
|---------------------------------------|-------------------------------|
| Cork County Council                   | 11.1                          |
| Donegal County Council                | 24                            |
| Dublin City Council                   | 19.5                          |
| Dún Laoghaire Rathdown County Council | 15.9                          |
| Fingal! County Council                | 18                            |
| Galway City Council                   | 7                             |
| Galway County Council                 | 30.1                          |
| Kerry County Council                  | 24.1                          |
| Kildare County Council                | 6.9                           |
| Kilkenny County Council               | 19.7                          |
| Laois County Council                  | 18                            |
| Leitrim County Council                | 15.1                          |
| Limerick City Council                 | 1                             |
| Limerick County Council               | 40.2                          |
| Longford County Council               | 7                             |
| Louth County Council                  | 8                             |
| Mayo County Council                   | 18.5                          |
| Meath County Council                  | 11                            |
| Monaghan County Council               | 14.8                          |
| North Tipperary County Council        | 12.5                          |
| Offaly County Council                 | 8.8                           |
| Roscommon County Council              | 21.3                          |
| Sligo County Council                  | 18.6                          |
| South Dublin County Council           | 18.7                          |
| South Tipperary County Council        | 45.8                          |
| Waterford City Council                | 9                             |
| Waterford County Council              | 19.5                          |
| Westmeath County Council              | 5.2                           |
| Wexford County Council                | 9.2                           |
| Wicklow County Council                | 25.6                          |

## Recoupment in respect of Improvement Works to Void Properties 2004-2010

| County Council         | €             |
|------------------------|---------------|
| Cavan County Council   | 451,395.00    |
| Clare County Council   | 793,307.00    |
| Cork City Council      | 2,853,410.00  |
| Cork County Council    | 2,108,482.00  |
| Donegal County Council | 377,536.00    |
| Dublin City Council    | 31,021,448.63 |
| Fingal County Council  | 430,965.00    |
| Galway City Council    | 209,752.00    |
| Galway County Council  | 356,277.00    |
| Kerry County Council   | 2,645,289.00  |
| Kildare County Council | 134,194.00    |
| Leitrim County Council | 223,454.00    |

| County Council                 | €             |
|--------------------------------|---------------|
| Limerick City Council          | 1,181,503.00  |
| Limerick County Council        | 547,564.00    |
| Longford County Council        | 762,839.00    |
| Louth County Council           | 702,664.00    |
| Mayo County Council            | 1,371,463.00  |
| Meath County Council           | 1,514,163.00  |
| Monaghan County Council        | 211,002.00    |
| Offaly County Council          | 272,705.00    |
| Roscommon County Council       | 379,677.00    |
| Sligo Borough Council          | 357,555.00    |
| Sligo County Council           | 165,181.00    |
| North Tipperary County Council | 664,857.00    |
| South Tipperary County Council | 27,611.00     |
| Waterford City Council         | 1,588,878.00  |
| Wexford County Council         | 712,730.00    |
| Wicklow County Council         | 821,583.00    |
| Total                          | 52,887,484.63 |

**Deputy Dessie Ellis:** This is a big issue across most local authorities, with the scale of the problem differing across areas and particularly in some of the very large working class areas in Limerick or Ballymun. I heard the Minister of State's comments about Limerick's turnover but in south Tipperary, the turnover time is unacceptable. The Minister of State should address the problem as it is scandalous for the process to take so long. In many working class areas in Finglas, Ballymun and other parts of the city, the turnover can be anything from two or three months. There are even cases where properties have been tied up for a year or more.

Will the Minister of State consider whether local authorities need more money? He has outlined some of the issue but there is a question about delivering the properties much more quickly. We cannot afford to have them lying empty as that can lead to anti-social behaviour. Properties are boarded up and left sitting without being let. We must turn them over more quickly. The Minister of State mentioned a figure of €31 million but certain local authorities need an extra bit of help.

**Deputy Willie Penrose:** I agree with the Deputy. Our focus is on vacant properties and each local authority is required to prepare an improvement plan for such properties. Better and more flexible grants are available this year and the €35,000 measure is available to deal with vacant properties which require a different level of work in order to return them to productive use.

This is a time when we are strapped for cash and there are clear difficulties so it is important that all our household units are in service and being allocated. In capital funding, the priority is focusing on the regeneration and remedial works discussed earlier and remedial works within reduced resources. With local authorities we are focusing on using funding to maximise the number of units in service at any time. That is critical. I spent almost 19 years in local government and we did not get money from the Exchequer to effect repairs. The Deputy may also have spent some time in that area. We are providing €18,000 per unit to improve standards and energy efficiency and up to €35,000 for units which are in poor condition. In exceptional circumstances, such as where a property has suffered fire damage, the local authority may claim up to a maximum of 60% of the costs of demolition and rebuilding. In the context of straitened

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economic circumstances, the Department has focused on this area as a priority because of the huge social housing list. It is contrary to our policy objectives to allow local authority housing to remain boarded up. Such units attract unwanted elements and give rise to all sorts of issues for those who live in the same estate. Boarded up houses can become a magnet for problems that affect good people who are trying to pay their way and repair their own houses.

**Deputy Niall Collins:** I acknowledge that the Minister of State has introduced flexibility to the measures for remediating houses but the large number of void houses is nonetheless an issue. While he stated that the percentage is small relative to the overall housing stock, it is a large number. He hit the nail on the head when he referred to the visual impact of boarded up houses, which is what hits people. As constituency representatives, all of us receive telephone calls on a weekly basis in regard to boarded up houses. Is it within his wherewithal to introduce an order or regulation to oblige local authorities to refurbish houses within a specified period of time?

I do not know what figures my local authority, Limerick County Council, provided in respect of the tabular statement circulated in the Minister of State's reply but I am sure the Deputies from Limerick City would dispute the claim of a turnaround time of one week. I am not calling anyone a liar but I do not believe units can be turned around in as short a time as one week because the evidence suggests otherwise. Can a regulation or order be introduced to require local authorities to turn around these vacant properties within a specified period?

**Deputy Willie Penrose:** Deputy Niall Collins put forward a fair suggestion. Unless significant damage has been done to a vacated house, it should be possible to re-allocate it within six weeks. I speak as somebody who lived all my life in a local authority house. While local authorities may not have adequate maintenance staff to do the necessary work, where minor repairs or repainting are required I am eager to see them being proactive in providing funds so that people can complete the work themselves in order to move in. That would obviously be subject to examination by a clerk of works so that the repairs are done to a proper standard. Any work that takes more than four or five weeks is getting into the "unacceptable" zone. I have no doubt that the housing needs assessment, which was undertaken on 31 March and will be available within the next three to five months, will show a significant increase and I will buy Deputy Boyd Barrett a pint if I am wrong. That is why we must get this issue right as part of the overall social housing programme. I am prepared to take any suggestions as to what Deputies regard as a reasonable time period. I am considering a period of six to eight weeks but that may be too short.

**Deputy Richard Boyd Barrett:** I welcome the seriousness with which the Minister of State is addressing this issue. Houses that are boarded up for long periods represent a running sore in estates. It is frustrating for unemployed construction workers to see these boarded up properties given that they are capable of making the necessary repairs. Even some of the people on the housing lists would prefer to refit the houses themselves rather than let them rot. If the figures about Limerick are accurate, can the Minister of State find out how houses are turned around in one week? What is being done there that is different from the rest of the country?

One of the reasons for the slow turnaround may be the requirement to tender for work. It often takes forever simply to hire a builder. If we gave local unemployed construction workers or even the people on the housing lists the opportunity, they could turn the houses around much faster. Obviously proper standards must be applied but we should consider this alternative because the cumbersome tendering process is causing lengthy and unnecessary delays in many cases.

**Deputy Sandra McLellan:** I will be brief because my points have been addressed by others. Perhaps it would be worthwhile to investigate the work practices of those who turn around properties quickly.

**Deputy Paudie Coffey:** Following on from Deputy Boyd Barrett's question, will the Minister of State consider some kind of community employment scheme whereby redundant apprentices and crafts people could be employed by local authorities to refurbish houses that have been sitting vacant for long periods? Such a scheme would produce a win-win result because it would tackle the housing list while creating employment and saving the Exchequer on rent allowance in the private sector. We need to think outside the box because it is a problem that is experienced nationwide.

**Deputy Tony McLoughlin:** Will the Minister of State consider providing details on turn-around times among the various local authorities? I am interested in finding out the figures for Sligo Borough Council and Sligo County Council. I also ask for details on the number of houses boarded up in recent months. Can figures be supplied in respect to the houses in my electoral area that have been in a deplorable state for a long period? I support the proposal by Deputy Coffey. There are a large number of local builders who would love to be involved in this work and they have a role to play in enhancing our housing estates. It is important that we set up schemes that ensure these houses are refurbished as quickly as possible.

**Deputy Willie Penrose:** The management and maintenance of local authority housing stock is a matter for individual authorities under section 58 of the Housing Act 1966 and I do not want to trespass into that area. I am allocating resources, but the utilisation of such resources in terms of value for money and improvement work plans for vacant properties is a matter for the local authorities concerned. Local authority members do not want the Minister to think he or she knows all or to be dictated to by the Custom House. I will not be a dictator to local authorities and will work with them to ensure they achieve their objectives. As somebody who came through it, I am a great believer in the local authority system.

The figures provided relate to 2009 but I do not doubt many of the figures for vacant stock have improved since then. Individual housing authorities and the County and City Managers' Association are actively pursuing measures to increase efficiency and reduce turnaround times for refurbishing and re-letting vacant stock. The local government value for money audit also provided information in this regard. Local authorities may be constrained by the moratorium and other factors but I am sure they are aware of the need to reduce turnaround times to maximise the number of units available for allocation. They should be innovative and think outside the box in terms of incorporating some of the solutions proposed today in their strategies. It is important to work with trade unions within the local authorities to ensure everybody is singing from the same hymn sheet. The last thing I want to see, as the son of a former local authority worker, is displacement of local authority employees. I am stating this vested interest so that people cannot say that I argued for this without saying where I came from. Local authority employees have done exceptional work over the years.

It is important to discuss with the unions ways in which some of the schemes that were advocated today may be incorporated as part of the solution. If there are almost 4,300 houses, that means there are potentially 4,300 households which could be paying money into the local authorities. In other words, although it may be somewhat circular, it is a way of getting money in. This, in turn, would increase the money available for further housing maintenance programmes, perhaps allowing local authorities to replace staff who have retired in order to carry out the necessary remedial works. It is a win-win situation and I am open to suggestions. However, I will not dictate to local authorities on how they should do their work.



### Proposed Legislation

42. **Deputy Pearse Doherty** asked the Minister for the Environment; Community and Local Government if he will introduce equality proofing of legislation and policy initiatives that come from him. [11512/11]

**Deputy Phil Hogan:** Enhancing equality and social development is central to the work of my Department, including, for instance, in the areas of housing and community development. The Department has a strong commitment to evidence-based policy formulation and uses the full range of tools and techniques to assess the impacts of policies and programmes at all stages of decision-making and legislative development.

It is a fundamental requirement that policy decisions must not contravene equality, anti-discrimination and human rights law. All legislative proposals are carefully scrutinised for compliance with this code. There is also public consultation and engagement with equality interests where relevant in development of policy and legislation. Regulatory impact analysis is undertaken for all key new legislative proposals and includes an assessment of impacts on equality under a range of headings as part of a comprehensive review of all potential impacts to ensure policy coherence.

Any changes to the current systems for equality-proofing of legislation and policy initiatives are best approached on a whole-of-Government basis. I remain committed to ensuring future policy initiatives and legislation developed by my Department enhance rather than detract from equality in our society and for citizens.

**Deputy Brian Stanley:** My party seeks meaningful equality-proofing across all areas of policy formulation and decision-making whether in programmes for addressing waste management or housing, support for the community and voluntary sector, or the need to provide greater access to training for jobs in alternative energy, to name but a few. It is important to address the gender impacts of any measures to address these issues and to ensure they are fully consistent with the principles of equality of access and outcomes. We propose the introduction of equality-proofing of all law and policy and the imposition of a legal duty to promote equality, equivalent to that in operation in the Six Counties. Does the Minister intend to bring forward any legislation in this area in the near future?

**Deputy Phil Hogan:** My Department, together with the Department of Transport, Tourism and Sport and the Department of Health and Children, is taking part in a pilot to test guidelines for proofing proposals regarding disability prepared by the Department of Justice and Equality, which is the lead Department in regard to equality issues. We will await the outcome of this pilot programme which involves cross-cutting issues relevant to various Departments. I take on board the suggestions the Deputy made. We will examine section 75 of the Northern Ireland Act 1998 which places a statutory obligation on Northern Ireland Departments and local authorities to have due regard, in carrying out their functions, to the need to promote equality of opportunity.

### Social and Affordable Housing

43. **Deputy Martin Ferris** asked the Minister for the Environment; Community and Local Government if his attention has been drawn to a procedural problem with social housing applications whereby if a person needs to amend some part of the information on their form that they must resubmit their application in full and begin the process again; and his plans to rectify same. [11507/11]

**Deputy Willie Penrose:** The Social Housing Assessment Regulations 2011, which came into force on 1 April 2011, include a standard application form to be completed by all households seeking social housing support. To ensure that a housing authority is in a position to consider a household's application properly and fairly, this form must be completed fully and all relevant supporting documentation supplied. Failure to provide full information could result in an inaccurate assessment of the household's application, including an unwarranted negative decision regarding qualification.

For this reason, guidance from my Department advises housing authorities to return any incomplete applications as soon as possible and to request a complete application to enable an assessment to be conducted. A checklist for applicants is included and applicants are strongly advised to submit applications in person to verify the form's completeness straight away, so as to avoid unnecessary delays.

Once a household has been deemed qualified for social housing support, and put on the waiting list, it is the responsibility of the household to keep the housing authority updated of any change in details or circumstances which may affect the household's eligibility or priority. This process does not require resubmission of an application form.

**Deputy Dessie Ellis:** There have been numerous cases where people who have lost their homes have experienced difficulties in applying for social housing. We must have new criteria to deal with people in that position. The current application form does not cater for certain people who were previously home owners but whose properties have been taken by the banks or otherwise. This issue must be taken into account in order to cater for such people.

**Deputy Willie Penrose:** The Deputy makes a fair point. I have indicated my intention to look at the assessment regulations by the end of the year and I will take on board submissions from Deputies in this regard. There is nobody better than Oireachtas Members and local authority representatives in this regard because they are at the coalface and can identify the shortcomings and failures of any system. The new application process has brought some degree of consistency and uniformity. It is important, for example, that what is applied in Westmeath can also be applied in Dublin. However, if there is a lacuna, particularly where people have been subject to a repossession order or something of that nature, it is important that they be accommodated. I refer to situations where home owners are no longer in a position to pay their mortgage and the legal system has moved beyond the threat of proceedings to them having to vacate their home.

I am eager that this situation be accommodated within the overall assessment procedure. It is a comprehensive procedure. I have a view, informed by being a local authority representative where the best education is obtained, that there should be, as far as possible, a one-stop shop in respect of social housing policy. I intend to bring forward a social housing policy review in the coming months. A priority in this regard is the provision of a one-stop model where a person is assessed only once as opposed to the situation in the past where there were multiple assessments. I understand there are always concerns about anything new. The form has to be comprehensive in order to ensure that it is right for Athlone Town Council as well as for Westmeath County Council. That is more efficient than having people traipsing into two different offices.

Another issue I have considered in depth in the past ten weeks relates to supplementary welfare provision and the rent allowance scheme. Persons undergo a rigorous assessment by the local authority after which they receive an assessment letter and must then go off to a community welfare officer somewhere else, perhaps a considerable distance away. It may be time to bite the bullet and to incorporate all of this within a social housing context. Whereas

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rental income support was originally intended as a temporary income support measure it has now become an integral part of overall social housing policy.

That is what I am thinking about.

**Deputy Catherine Murphy:** A standard form is available but not everybody has access to a computer or is computer literate. Has the Minister of State discussed an online version of the application form with the Local Government Computer Services Board or the County and City Managers' Association? Significant administrative time could be saved if such access was provided. As public representatives, we often help applicants to fill out the form and we could, therefore, do it online for them. It would be a useful way to save staff time.

**Deputy Richard Boyd Barrett:** I welcome the Minister of State's approach to this issue. It is a positive day and we are hearing many positive comments. I must pinch myself.

**Deputy Finian McGrath:** Deputy Boyd Barrett is selling out.

**Deputy Phil Hogan:** Deputy Luke 'Ming' Flanagan was well looked after by Fine Gael in Roscommon in the past when it suited him.

**Deputy Richard Boyd Barrett:** I welcome the Minister of State's suggestion to bring both functions together in a one-stop-shop but the discretion community welfare officers have in sanctioning rent allowance is worrying. The vast majority of CWOs are good, decent people but problem cases arise because they have discretion rather than being subject to clear guidelines about people's eligibility. This matter needs to be examined.

**Deputy Willie Penrose:** I always argued for discretion. I recall that my first day as a council member when we discussed the county development plan, an old councillor, who has long since passed away, said the one thing we must not do is allow the county manager to streamline everything because he will never exercise an ounce of discretion. Perhaps there is an argument in that regard. However, standardisation of interpretation is important. The Minister supports that and I am grateful to him for his support. My intention is to bring everything together so that there would be a unitary interpretation while, at the same time, allowing flexibility, where needed. CWOs served us well in the past because they knew individual and family circumstances best through their work.

Deputy Murphy has again demonstrated her knowledge of the local authority system. Her idea is excellent and I will see whether it can be implemented. I will suggest that my officials raise this at their next meeting with representatives of the County and City Managers' Association. If the Deputy has further ideas in this regard, I would appreciate it if she would furnish me with the details. Her proposal would simplify everything for the applicant whom we are trying to work with and whose needs we are trying to satisfy. Such applicants can become confused but many young applicants are computer literate and if the forms were available online, it would be efficient for the applicants and the local authorities. I hope turnaround times would also improve. It would be administratively efficient and effective and it would be worthwhile pursuing.

4 o'clock

44. **Deputy Richard Boyd Barrett** asked the Minister for the Environment; Community and Local Government his plans to improve or accelerate social housing provision in the current economic climate; and if he will make a statement on the matter. [11589/11]

62. **Deputy Jonathan O'Brien** asked the Minister for the Environment; Community and Local Government his plans to increase funding for the development of publicly provided social housing for older persons. [11521/11]

**Deputy Willie Penrose:** I propose to take Questions Nos. 44 and 62 together.

Notwithstanding the significant easing of affordability experienced in recent years, the current adverse economic circumstances have impacted on the demand for social housing and the capacity to meet this demand. The straitened resource environment has accelerated the shift away from reliance purely on programmes of construction and acquisition.

The main focus in terms of supports provided by Government will be on meeting the most acute needs, the housing support needs of those unable to provide for their accommodation from own resources. We are committed to responding more quickly and on a larger scale to these needs, including those of older people, through a variety of mechanisms, including through increased provision of social housing, continued strong support for special needs provision through the capital assistance scheme and the suite of adaptation grants for older people and people with disabilities.

This will necessitate a continuing restructuring of the social housing investment programme to allow for delivery of new social housing through more flexible funding models, in order to enable us to meet our social housing delivery commitments in the period ahead while, to the greatest extent possible, protecting programmes targeting special needs. The social housing leasing initiative and, in particular, the rental accommodation scheme will each play their part as long-term mainstream social housing supports.

The Government is also committed to developing other funding mechanisms that will increase the supply of permanent new social housing. Such mechanisms will include options to purchase, build to lease, and the sourcing of loan finance by approved housing bodies, including from the Housing Finance Agency, for construction and acquisition.

**Deputy Richard Boyd Barrett:** I am sure the Minister of State will agree it was a scandal that the previous Government oversaw an unprecedented property boom during which up to 90,000 houses were built annually but left a legacy of 50,000 people on local authority housing lists, which is an astonishing indictment of its performance. Can he assure the House that the Government will not oversee an equally great scandal with up to 300,000 empty houses in the State while 50,000 people are on the housing list and that he will aggressively move to resolve this terrible anomaly, which could result in people being on the list for nine or ten years?

Must we not aggressively attack this issue not only because of the obscenity of houses lying empty while people are on the housing list but also for sound financial reasons? If the 50,000 people on the housing list were housed, it would save the State approximately €500 million in rent allowance payments annually and it would probably generate €360 million for the Exchequer in rent. This would not even be fiscally neutral. We would benefit if we housed the 50,000 people on the list. While acknowledging the Minister of State's earlier comments, is there not a case for allocating suitable NAMA properties to social housing applicants and, where such properties are not suitable, to engage workers to construct social housing because that would create employment, provide housing and save the State money by generating a new revenue stream? It is a "no brainer" to do this. Does the Minister of State intend to move in that direction?

**Deputy Willie Penrose:** I would love to do that because local authorities should be the prime drivers of social housing policy and I come from that background but, in the context of the straitened financial circumstances in which we find ourselves, the capital budget for social

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housing has reduced by 66% since 2008 down from €1.535 billion to €500 million and the bulk of that reduction has affected the local authority housing programme, the allocation for which has reduced from €1 billion to €140 million this year. The financial parameters within which we will operate over the coming years rule out a return to large capital funded construction programmes by local authorities and, therefore, we must examine alternatives such as the build to lease or rental accommodation schemes, transfers from NAMA and so on.

Delivery of social housing will be primarily facilitated through more flexible funding models. The social housing leasing initiative will be discussed with NAMA. I met NAMA officials and I informed them that I want to generate a social dividend, if possible. This could be a circular bird because the agency is operating on behalf of the State, as is the Department. If we can implement the initiative in conjunction with NAMA, rent could be charged at 80% of the market rate on long-term leases, which would generate a return for the State on a long-term basis, with applicants then having the option to purchase or the State having the option to take equity in the property at the end of the lease.

I would like the State to get some return from long-term leasing through the tenants. Approved housing bodies will play an increasing role through securing funding from the Housing Finance Agency to either lease, purchase or construct houses. They provide an off-balance sheet method of funding the social housing programme and they will play an ever-increasing role in that regard.

I would like to proceed in the manner outlined by Deputy Boyd Barrett but I am not in a position to do so because of financial constraints. It would be misleading and dishonest of me to start giving out something that is not achievable in the short term. I do not wish to engage in that approach on the floor of the Chamber.

**Deputy Dessie Ellis:** Social housing is a huge issue.

**An Leas-Cheann Comhairle:** The Deputy should ask a question please.

**Deputy Dessie Ellis:** You should give me a bit of leeway, a Leas-Cheann Comhairle, as I got caught up in traffic.

**An Leas-Cheann Comhairle:** I have been very fair to the Deputy.

**Deputy Dessie Ellis:** Getting here was a nightmare.

**Deputy Phil Hogan:** Deputy Ellis had to make way for the Queen.

**Deputy Dessie Ellis:** I missed some of the important things I wanted to get. Approximately 44,000 people are on the social housing list. Approximately 100,000 people are on rental subsidy, which costs the State more than €500 million. That is a total of 144,000 people looking for social housing. It is an absolute scandal.

**An Leas-Cheann Comhairle:** The Deputy should ask a question please.

**Deputy Dessie Ellis:** The Minister has outlined some of the ways to deal with the issue. In the context of NAMA, existing housing stock owned by builders, in addition to properties lying idle could be purchased on a five-year basis. Some money could be paid upfront and the remainder in five years time. It would be a win-win situation if local authorities could get such

housing stock as it would provide revenue to them and it would also create employment in the construction industry to clear the backlog of building work.

**An Leas-Cheann Comhairle:** I wish to call Deputy Finian McGrath.

**Deputy Dessie Ellis:** I am just making the point——

**An Leas-Cheann Comhairle:** This is Question Time.

**Deputy Dessie Ellis:** I urge the Minister to consider the available properties in NAMA and to see whether they can be made available to local authorities.

**Deputy Finian McGrath:** I wish to ask the Minister of State two short questions. In his response he referred to housing for disabled people. Will he ensure that it is a priority, as people with disabilities have extra problems ?

When does the Minister of State envisage something will happen on the ground to benefit those on waiting lists?

**Deputy Richard Boyd Barrett:** I am not clear about the Minister of State's reasons we cannot proceed in the manner I outlined. I accept what he said about economic constraints but this is a financially positive move for the State. We will save money if we invest in NAMA housing stock or build new social housing to house those on housing waiting lists. Surely that is a safe bet in terms of capital investment. We have money in the National Pensions Reserve Fund. If we house people we will save on rent allowance payments and get revenue into the State through rental income. There is no risk in doing that and it would get people back to work. I do not understand why we would not do it.

The leasing arrangements are crazy because they are throwing money away to the benefit of private developers. Could the Minister of State guarantee that in so far as leasing arrangements are entered into, they will not be with developers who are bankrupt so that we are essentially keeping them in business when they are bankrupt? It is one thing for a local authority to lease from NAMA because the money is coming back to us but it would be a crazy waste of money if we were to lease from a developer who is bankrupt and who would not still be in business were it not for the existence of a local authority lease. I seek assurances in that regard.

**Deputy Brian Stanley:** I invite the Minister of State to return to the issue in the House at a future date having examined the amount of money being spent on options such as the rental accommodation scheme, long-term leases and rental subsidies. He should add those costs together. I referred previously today to vacant houses in ghost estates. I agree that not all such properties are suitable for local authority housing nor should all local authority housing be in the one place. We support the integration of social housing. I urge the Minister of State to examine the option and to try to use existing resources to better effect as much taxpayers' money is being poured down the drain at the moment.

**Deputy Willie Penrose:** A number of questions arise in that regard. I do not object to Deputy Boyd Barrett's objective. I am somewhat constrained but I must deal with reality. In the context of NAMA, a significant number of houses do not fall within the social housing provision. This week and early next week we will engage in a process to identify suitable housing. In the case of abandoned estates or where nobody is to be found we will enact appropriate legislation in the House to ensure that the State and citizens get a social dividend or benefit. I look forward to all-party support for the legislation, which would be novel.

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I assure Deputy Finian McGrath that the housing strategy for people with disabilities sets out the framework for the proposed delivery of housing for people with disabilities through mainstream housing policy. That will inform the future development of local housing action plans. I will ensure it will be central to the review of social housing policy that will take place in the coming months. Notwithstanding the constraints on financial resources I have outlined we have maintained and increased the funding for the suite of housing adaptation grants and mobility grants that are available. They have been subject to review and we are getting good value for money in that regard.

My objective as Minister of State with responsibility for this area is to ensure that people get an opportunity to live in their home environment for as long as possible. We are creating jobs in that area for people on the live register. It is a win-win situation. I take cognisance of the points made by Deputy Stanley and look forward to a productive debate in that regard.

*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 Jim Daly — the eligibility criteria of applicants for the position of supervisors in the new Tús programme; (2) Deputy Tony McLoughlin — the need to award €400,000 in aid towards Sligo Airport; (3) Deputy Michael Healy-Rae — the need to improve the way in which matters raised by way of parliamentary question to the Minister for Health and Children are responded to as highlighted by a recent query relating to Kenmare Community Hospital, County Kerry; (4) Deputy Seamus Healy — the need to commence the bypass of Tipperary town on the N24; (5) Deputy Nicky McFadden — the provision of an extension to Baylin national school, Athlone, County Westmeath; (6) Deputy Ciarán Lynch — the need to address the deficit in foreign language skills; (7) Deputy Joe Carey — the need for any boundary extension of Limerick city not to extend into County Clare; (8) Deputy Gerald Nash — the need to continue to support, resource and recognise the contribution of the arts to society and the economy; (9) Deputy Dessie Ellis — the need for the Minister to act in light of last night's programme detailing the shocking lack of regulation in the taxi industry across the country which is endangering people and the livelihoods of honest taxi drivers; (10) Deputy James Bannon — the need for the Minister for Communications, Energy and Natural Resources to expedite a review of the by-law which banned eel fishing in Ireland in 2008 that resulted in 500 fishermen being out of work; and (11) Deputy Bernard J. Durkan — the closure of the dental service at Derrinturn, County Kildare.

The matters raised by Deputies Ciarán Lynch, Michael Healy-Rae, Bernard J. Durkan and Tony McLoughlin have been selected for discussion.

### **Leaders' Questions**

**Deputy Micheál Martin:** Mar uachtarán Fhianna Fáil, ba mhaith liom fáilte Uí Cheallaigh a chur roimh chuairt Bhanríon na Breataine go dtí an tír seo. Gan amhras, lá stairiúil agus tábhachtach atá ann. I am pleased as uachtarán of Fianna Fáil to welcome today's historic and important visit of Queen Elizabeth II to this country. It is a truly historic day which reflects the transformation of relations between our two countries. In that context also, we should agree that it represents a fitting tribute to the nationalist and republican vision of the men and women who sacrificed their lives more than 100 years ago for the independence of this nation. What they clearly wanted to achieve was a state that was independent of Great Britain but one

that would develop and cultivate a relationship of friendship and warmth with it, our nearest neighbour. Their fundamental objective was that the people alone would have the right to decide the constitutional future of this island, something which has now been recognised in national and international law, in a number of referendums decided by the people in the aftermath of the Good Friday Agreement. It is fitting and generous that the British monarch was in a position to pay her respects at the Garden of Remembrance earlier today. Does the Taoiseach agree that today is also a fitting occasion for us to acknowledge and pay tribute to the tireless work of so many people during the years, often unnoticed, who through the long years of the peace process worked extremely hard to achieve the broad national constitutional consensus that has enabled this historic visit to take place?

**The Taoiseach:** I agree. The Deputy is correct. I pay tribute to all of those mentioned, irrespective of the parties they represented, on the efforts they made — often unrecognised — in playing their part in putting together the jigsaw of peace eventually agreed North and South by both communities in overwhelming numbers. Evidence of this was epitomised today by the visit of the Queen of England, at the invitation of the President. One can never know in advance the power of the symbolism of these events. However, for me, representing the Government with many others, the symbolism of Captain Tom Holmes walking across in front of Áras an Uachtaráin to the Queen of England, flanked by two officers of Óglaigh na hÉireann, and indicating that the guard of honour, the members of which were drawn from the Army, the Air Corps and the Navy, was ready for her inspection was powerful beyond words. That symbolism, as the Deputy reflected, shows the maturity of two countries able to do their business in a modern sense and get on with life in a spirit of co-operation, respect and friendship.

**Deputy Micheál Martin:** In the context of this visit and the Taoiseach's meeting with the British Prime Minister this week, it is appropriate also that we raise points at issue between our two countries. In this context, the Taoiseach must understand governments are held to a higher standard of accountability for their past actions than illegal groups, the records of which in killing innocent people are plain to see. The impact of the Dublin-Monaghan bombings has been deep and long-lasting. The relatives of those who died and were injured have received significant help from the Government in the past decade, but they continue to face a large obstacle in getting to the truth, the refusal of the British Government to open up its files on the case. I have written to the British ambassador to reiterate my view and that of Fianna Fáil on the issue. Will the Taoiseach take the opportunity today to give the House a clear and definite commitment that his policy is to resolutely seek the publication of these files? Will he tell the Prime Minister, Mr. Cameron, that the continued delay is no longer good enough and that the visit of Queen Elizabeth represents an opportunity to mark a significant change of heart? Will he try to bring closure for the relatives of those who were killed and injured in what was the largest and most horrible atrocity in the difficult conflict of which we are all well aware?

**The Taoiseach:** I recall the atrocity of the Dublin-Monaghan bombings very well and knew one person who was killed and that person's family. This issue has been a source of debate and questions in the House for many years. When I had the opportunity to visit Downing Street some weeks ago, I indicated to the British Minister this was an issue that would, obviously, be raised on the occasion of the Queen's visit. As a Deputy on the Opposition side of the House, I also raised with different Taoisigh the publication of files that might be available. This issue was investigated in some detail prior to publication of the Barron report. I also raised the issue



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with the Prime Minister when I met him and indicated I would raise the issue on every occasion I had an appropriate opportunity. I will speak with him tomorrow and raise the matter again.

**Deputy Gerry Adams:** Tá mé an-sásta é sin a chloisint. Does the Taoiseach agree that the complete normalisation of relationships between Ireland and Britain and the independence of this nation, as opposed to the State, can only be fully achieved by bringing to an end partition and reuniting the people and the country? Does he accept that the Good Friday Agreement provides a democratic and peaceful path to achieve this aim? Will he commit the Government to achieving this objective?

Ar barr an árais seo, tá brat ina bhfuil an dath oráiste go breá láidir agus tá sé soiléir go mba chóir go mbeadh muintir an oileáin seo le chéile, oráiste agus glas agus achan duine inár measc. Tá gá le comhrá náisiúnta ar an ábhar seo. An bhfuil an Taoiseach chun tús a chur leis an gcomhrá seo?

Will the Taoiseach accept that legacy issues are part of this process? Funding for the Justice for the Forgotten campaign was cut on Fianna Fáil's watch and has not yet been restored on the Taoiseach's watch, although I raised the issue some time ago. Dealing with issues of the past is necessary in order for us to build a future based on equality and justice. Files are being withheld. They were withheld from Judge Barron's inquiries into the Dublin and Monaghan bombings and the bomb attack on Crowe Street, Dundalk, outside Kay's Tavern, as well as other attacks. These files should be released and I am pleased the Taoiseach will raise the issue, on which he was not so clear when I raised the question after his visit to Downing Street. I urge him to give a cast-iron guarantee that he will seek a commitment from Mr. Cameron to make the files available.

**The Taoiseach:** Aontaím leis an Teachta go bhfuil sé intuigthe i gComhaontú Aoine an Chéasta go bhfuil cead ag muintir na hÉireann, ó Thuaidh agus ó Dheas, vótáil lá amháin faoi chúrsaí na hÉireann as seo amach. Go dtí go dtiocfaidh an lá sin, tá cead ag polaiteoirí, sa Tuaisceart agus sa Deisceart, obair a dhéanamh in éineacht lena chéile maidir le forbairt eacnamaíochta an oileáin ar fad. Tá súil agam go mbeidh an Teachta páirteach sna díospóireachtaí sin amach anseo nuair a bheidh na comhairlí éagsúla curtha ar bun do na díospóireachtaí sin.

There are many files and many aspects to files, issues and atrocities about which we do not have the full facts. They relate to trials regarding over 3,000 people who lost their lives. As the Deputy is well aware, many pieces of information relevant will never be produced. I indicated in response to a question from Deputy Micheál Martin that the issue was signalled by me when I spoke to the Prime Minister, Mr. Cameron, in London a few weeks ago. I indicated it would be an issue here, in keeping with my record when in opposition of asking Taoisigh about this matter. I do not have control over it, but I will raise the issue.

**Deputy Gerry Adams:** I agree with the Taoiseach that there are many difficult legacy issues arising from the conflict and that the light must be shone on all of them, including the actions of and killings by republicans. I seek the same clarity from the Government on all of these incidents and ask that they be dealt with in an equal and inclusive way. Rather than us playing politics on the issue, does the Taoiseach accept the two Governments should invite a reputable international body to establish an independent international truth commission? Will the Taoiseach accept that genuine national reconciliation and closure for victims and the type of healing process we require, and which all victims and survivors deserve, demands that everyone — I do this on my own behalf — pledges himself or herself to come forward to such a process, to encourage such a process and to encourage others to be part of such a process? Nuair a bhí

mé ag éisteacht le daoine a d'fhulaing, bhí siad ag caint mar gheall ar dínit agus an gá atá acu le clabhsúr. Is rud an-tábhachtach é seo.

Does the Taoiseach agree that such an independent international truth commission is needed and will he make a statement on the matter? Similar to my question about the need to end partition and to bring the people of the island together, we need a strategy for that, we need the Government to lead that strategy and we need a programmatic timetable approached to both. An gcuirfidh an Taoiseach an choimisiún seo chun cinn? An féidir leis ráiteas a chur amach ar an ábhar seo?

**The Taoiseach:** Ba mhaith liom go mbeadh an fhírinne faoi gach rud atá imithe le blianta anuas ar fáil. I will not commit myself here to having a series of public inquiries. The Deputy mentioned that there should be an equal and inclusive way of finding this out. He knows more about this than I do in terms of republican atrocities, so I am glad to hear him say that he is prepared to come forward with whatever information is known to him, on which I commend him. It might be appropriate for us to consider the range of incidents where lives were lost, where some analysis should be put into determining the truth by a method to be agreed. There are people here and in Britain who lost loved ones because of these incidents and who have no closure. I am glad to hear the Deputy say, as president of his party, that he is prepared to come forward with information about republican atrocities, which is a good start. I will reflect on what he has said here.

As I said in response to Deputy Martin, I have undertaken to raise the issue of the Dublin and Monaghan bombings with the British Prime Minister. I do not have access to those files, but I will make the case in the best way I can, continuing on the work done by previous taoisigh, who raised it with the British Prime Minister's predecessors. I listened to Margaret Irwin of Justice for the Forgotten. She was very clear that she did not want any flags, banners or statements at the simple wreath-laying ceremony which has been their usual practice on this date, the anniversary of the Dublin and Monaghan bombings. As somebody remarked to me just passing the wall of Trinity College a short while ago, the mark is still on the wall where one of those cars was placed which resulted in the loss of life of a woman across the street. The Deputy can take it that the Government will regard it as a priority in respect of the continuation of the peace process, the Good Friday Agreement and the St. Andrews Agreement to work with the British Government, the Northern Ireland Assembly, which the people have elected in the interest of the communities on this island, on the development of the economy of the island and in pursuit of fulfilling in full the terms and agreements signed off by the people, North and South, in respect of the Good Friday Agreement. It would be remiss of me not to commit the Government to that and to lead by example.

**An Ceann Comhairle:** I call Deputy Higgins.

**Deputy Gerry Adams:** Could I speak again briefly as it is such an important issue?

**An Ceann Comhairle:** I know it is a very important issue, but we can come back to it.

**Deputy Gerry Adams:** Just one sentence, please.

**An Ceann Comhairle:** I am sorry. We are way over the time as it is. I appreciate that it is an important issue that deserves fuller consideration and I will facilitate it any time.

**Deputy Joe Higgins:** Last night's RTE special "Prime Time" programme on the taxi industry highlighted a number of shocking incidents of dangerous practices that would put the public at serious risk by a minority involved on the supply side of the taxi industry. It also highlighted

[Deputy Joe Higgins.]

shocking examples of outright corruption, involving, we presume and hope, a small minority of national car test individuals. Those issues must be addressed urgently and I am sure that is already happening in respect of the more blatant issues exposed last night.

I commend Mr. Paul Maguire and RTE's public service broadcast on the matter. However, I express regret that an extremely serious pressing human problem in the industry was not considered at all and I draw the Taoiseach's attention to it. The extreme liberalisation of the taxi industry imposed by the Fianna Fáil and Progressive Democrats Government has resulted in thousands of taxi drivers being under desperate economic pressure. Simply put, they cannot make a decent living. As a regular taxi user I know this for a fact. This is not a usual complaint and should not be treated as such. On average many drivers earn close to the national minimum wage, which means they need to work inexorably long hours to make a living for their families and to pay their mortgages and soon. The Goodbody report proved that but then more or less stated that nothing could be done.

Is the Taoiseach aware of the level of distress among the decent majority within the taxi driving workforce? Unfortunately and tragically within the past two years a number of taxi drivers have taken their own lives as a result of this economic pressure and the inability to make a living for their families. The previous Minister for Transport arrogantly dismissed the taxi drivers and fobbed the issue off to the regulator. In some incidents the taxi drivers felt it would be easier to get to the queen of England. Will the Taoiseach ask the Minister for Transport, Tourism and Sport and his Minister of State as a matter of urgency to deal with the issues of all the abuses by a minority highlighted last night and particularly the wellbeing of the vast majority of those who provide a very important public service?

**The Taoiseach:** I did not see the programme but heard reports about it. No more than anybody else, I would be shocked by the findings of the report and I commend those who carried out this investigation. The Minister for Transport, Tourism and Sport and his Minister of State met taxi personnel today at 11 o'clock. The Minister of State, Deputy Kelly, today announced a review arising from yesterday's investigative report.

Before I changed jobs here, I was a frequent user of taxis and I spoke to taxi drivers at length about the matter. On many occasions they pointed out to me that after doing 14 or 15 hours, they might have €50 for the day — others might be a little luckier. I met taxi drivers in Cabra, Phibsborough and throughout the city who had complaints ranging from lack of parking places for their taxis to the element of rogue taxis that have operated and are operating illegally in this city and other places, and the difficulties that, as the Deputy rightly points out, many of them face. Unfortunately they are not alone in facing those economic difficulties in their sector. If the taxi industry today were the same as it was up to the time that the then Minister of State, Mr. Bobby Molloy, deregulated the entire industry because he was not able to get any agreement on a structure at the time, things might be very different. However, we need to deal with the situation now.

The issue the Deputy raises is one that the Minister, Deputy Varadkar, and in particular the Minister of State, Deputy Kelly, who has responsibility for it, will consider.

I have a particular interest not only in vehicles used but also in the personal safety of those who travel, particularly those who are vulnerable at night. I want to see an end in this city and others to the operation of illegal taxis by those who purport to be legitimate, caring taxi drivers. The vast majority fall into the latter category but, unfortunately, there are a number who do not meet the criteria and they must be prevented from pretending to be legitimate taxi drivers providing a legitimate taxi service.

**Deputy Joe Higgins:** Everybody should agree that taxi drivers provide an essential public transport service and, therefore, deserve support and respect. That there are approximately 500 parking spaces in Dublin for up to 15,000 taxis is a disgrace. Many taxi drivers are treated like fugitives and pushed around by An Garda Síochána when looking for a place to wait to pick up passengers. While nobody is advocating a return to the other extreme when there were massive queues of young people waiting at night in cities and towns for non-existent taxis, there is a just solution for the public using taxis and those providing the service. While I am glad the Ministers are meeting the representatives of the taxi drivers, we seek quick action on these issues because real human problems and the well-being of the public are at stake. We want the Government to return with real solutions that bear in mind the justice being called for. A good taxi transport system is called for, as are decent living standards and safety for taxi drivers.

**The Taoiseach:** There can be a bit of give on both sides in this case. The range and condition of taxis vary considerably. From experience, I know the vast majority of those who supply a taxi service fulfil a public need and do so in an exemplary manner. Many of them work exceptionally hard for very little return in many cases.

The Deputy will agree that the Minister for Transport, together with his Minister of State, Deputy Alan Kelly, have acted swiftly. I expect the terms of reference of the commission investigating the matter to be fixed within the next three weeks. It will possibly be given a period of two or three months in which to report.

Having arrived in this city from the west late at night on umpteen occasions, I have noticed lines of taxis in particular areas. If a regulatory official or garda starts to check the taxis in these lines, he or she notices that 15, 20 or 30 pull out from the line because they know they are not in compliance with the law. We must change this and make it easier for those who are perfectly legitimate to earn a living from the work they do in an exemplary fashion.

The Deputy's suggestions for the commission to be overseen by the Minister of State will be more than welcome when it is established. I assume that in due course we can debate the matter properly through the committee system or in the House when appropriate.

### **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 Clare Daly to state the matter.

**Deputy Clare Daly:** I seek the adjournment of the Dáil under Standing Order 32 to debate the following matter of urgent public importance, namely, that a major construction company, the main contractor for the Portrane wastewater treatment plant, received full payment from Fingal County Council but refused to pay subcontractors on the scheme, thereby jeopardising the livelihoods of the workers involved; and the urgent need for legislation to prevent the increasingly common practice where subcontractors and other workers are left unpaid by those in receipt of substantial funds for major public contracts.

**An Ceann Comhairle:** Having considered the matter raised, I do not consider it to be in order under Standing Order 32.

### **Order of Business**

**The Taoiseach:** It is proposed to take No. 5, motion re report of the Standing Order 103 Select Committee on the proposal for a Council directive on a common consolidated corporate tax base, COM (2011) 121. It is also proposed, notwithstanding anything in Standing Orders,

[The Taoiseach.]

that: (1) the Dáil shall sit later than 8.30 p.m. and business shall be interrupted on the adjournment of Private Members' business which shall be No. 19, motion re Dublin and Monaghan bombings, which shall take place at 7 p.m. or at the conclusion of No. 5, whichever is the later, and which shall adjourn after 90 minutes; (2) the proceedings on No. 5 shall, if not previously concluded, be brought to a conclusion at 7 p.m. by one question which shall be put from the Chair and which shall, in regard to amendments, include only those set down or accepted by the Minister for Finance, and the following arrangements shall apply: the speeches of the Chairman of the Standing Order 103 Select Committee 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; the speeches of each other Member called upon shall not exceed ten minutes in each case; Members may share time; a Minister or a Minister of State shall be called upon to make a speech in reply which shall not exceed ten minutes; and amendments proposed to the motion may include those that substitute, add to or otherwise vary the reasons for opinion set out in paragraphs 6 to 10 of the report of the Standing Order 103 Select Committee; and (3) the Dáil on its rising today shall adjourn until 1.30 p.m. tomorrow and the following arrangements shall apply: there shall be no suspension of sitting under Standing Order 23(1); and questions for oral answer to other members of the Government shall be taken at the conclusion of questions for oral answer to the Taoiseach and shall conclude after 75 minutes.

**An Ceann Comhairle:** There are three proposals to be put to the House. Is the proposal that the Dáil shall sit later than 8.30 p.m. agreed to? Agreed. Is the proposal for dealing with No. 5 agreed to? Agreed. Is the proposal that the Dáil on its rising today shall adjourn until 1.30 p.m. tomorrow agreed to? Agreed.

**Deputy Micheál Martin:** It is now over ten weeks since the Taoiseach first committed to enabling the Minister for Public Expenditure and Reform to be accountable to the Dáil. As we saw at the weekend, he has been very much available to the national and international media and is even willing to have a public disagreement with the Minister for Finance on the restructuring of the debt. It appears the only people whose questions he is not in a position to answer are Members of Dáil Éireann. There is the motion on the Order Paper that would allow questions to be tabled to him immediately. Passing this motion would mean we would not have to wait until the end of next month at the earliest to question a person who is, even by Deputy Brendan Howlin's own admission, one of the most important Ministers in the Government. With the Taoiseach allow the motion on the Order Paper to be passed without debate to allow us to bring closure to this issue?

**The Taoiseach:** The Minister, Deputy Brendan Howlin, wants to be able to come into the House to answer questions. The Bill to give effect to the setting up of his Department was cleared by the Government this morning and will be published in the next couple of days. I hope we can get it through as quickly as possible. The transfer of powers to the second Department, the Department of Public Expenditure and Reform, is quite detailed. Splitting the Department of Finance into two separate Departments requires absolute clarity such that nobody will make a mistake. The Bill was cleared this morning and will be published in the next couple of days. We will then get on with the matter. I can certainly attest to the fact that the Minister wants to be able to answer questions for everyone in the House.

**Deputy Gerry Adams:** There are reports that the joint labour committee wage agreement was discussed by the Cabinet. Given the impact any decisions may have on the 300,000 low paid workers affected by it, is it intended to bring forward legislation? If so, when will it be published? What changes to terms and conditions will be contained in the agreement?

**The Taoiseach:** The Government has not concluded its deliberations in respect of that. When it has, they will be announced as quickly as possible. We have set the date of 1 July for implementing the reversal of the cut in the minimum wage, as was announced by the Minister for Finance in his contribution in the House on the jobs initiative last week.

**Deputy Dara Calleary:** The Taoiseach will be aware of the difficulties faced by a major construction company in the west and the impact on 400 subcontractor jobs. When does he intend to introduce the Construction Contracts Bill which was passed by the Seanad? The issue targeted by the company was the difficulty in getting payment for Government contracts. The Minister for Enterprise, Jobs and Innovation, Deputy Richard Bruton, has made some commitments regarding a prompt payments for Government contracts Bill. Will that be introduced soon?

**The Taoiseach:** This is an important issue. The company in question is carrying out work on a number of Government contracts at present, as the Deputy is aware. The Minister for Finance, Deputy Michael Noonan, has agreed to bring the Bill passed by the Seanad to the Dáil but a number of additions to that Bill are being worked on in the Department. In respect of the Bill to be introduced by Deputy Bruton, I will refer back to the Deputy with an approximate date as soon as I have it.

**Deputy Dara Calleary:** Is there a time-line for the introduction of the Construction Contracts Bill?

**The Taoiseach:** It will be taken promptly by the Minister for Finance.

**Deputy Micheál Martin:** How promptly?

**The Taoiseach:** I will give the Deputy a date.

**Deputy Paschal Donohoe:** One of the consequences of the pension levy introduced to fund the jobs initiative is that it will refocus people's attention on the state of pension funds in Ireland and the size of the liability they could generate in the future. With that in mind, when will the promised public service pension single scheme Bill be introduced? Will it be before the summer recess?

**The Taoiseach:** It is listed for this session and it is hoped to take it in this session. A number of legislative measures will be required under the IMF-EU agreement and these are time-lined; in other words, they must be introduced by particular dates to comply with the conditions of the agreement. I am examining the range and extent of what is required in consultation with the Office of the Attorney General and the facilities and resources it has to produce this. I will inform the House as soon as I have a clear picture in that regard. It is critical that we be in compliance with those time-lines to comply with the conditions of the IMF-EU bailout. Therefore, legislation that is already listed might not receive the same priority but I will give the House full information when I know the range and extent of what we must do.

**Deputy Caoimhghín Ó Caoláin:** I have a question for the Taoiseach but you, a Cheann Comhairle, might be able to offer advice. In all my years as a Member of the House I have not received a reply to a parliamentary question like the one I received last week from the HSE. It was about a specific case involving a seven year old boy. The HSE response was that it cannot——

**An Ceann Comhairle:** I appreciate that it is an important issue but it is not appropriate to the Order of Business.

**Deputy Caoimhghín Ó Caoláin:** It is just a sentence. The HSE said it could not provide information on specific cases. That is not my experience, and it is a serious development.

**An Ceann Comhairle:** It is not appropriate to the Order of Business.

**Deputy Caoimhghín Ó Caoláin:** What do you suggest?

**An Ceann Comhairle:** It could be the subject of an Adjournment debate.

**Deputy Caoimhghín Ó Caoláin:** That is fine in terms of raising the issue with the Minister, but there is also the issue of whether this is to be the practice. The Taoiseach and other Members will be aware that it has been difficult to get responses from the parliamentary affairs division of the HSE. However, if it is now to be the practice that one cannot raise a specific case——

**An Ceann Comhairle:** I suggest the Deputy raise it on the Adjournment.

**Deputy Caoimhghín Ó Caoláin:** ——it is a very serious development. I ask the Taoiseach to raise it with the Minister. Whatever your good offices can do to help, a Cheann Comhairle, will be much appreciated.

**An Ceann Comhairle:** I am always available to help, Deputy, but not in this way.

**Deputy Caoimhghín Ó Caoláin:** It is in the interest of all Deputies. Can the Taoiseach confirm that he will raise it?

**The Taoiseach:** Perhaps Deputy Ó Caoláin will give me a copy of that response. It is in the interests of every Deputy to be able to get appropriate information about any individual case. I made that case from the other side of the House for long enough. In the same way that the Minister for Justice and Equality answers for the Garda Síochána in the House  
*5 o'clock* in respect of individual cases with appropriate information, the same should apply in other Departments. The issue is to put a structure in place that achieves that. I invite the Deputy either to take the Ceann Comhairle's advice and raise the case in an Adjournment debate or to give me a copy of the reply he received. We will see if we can do something about this.

**Deputy Caoimhghín Ó Caoláin:** I thank the Taoiseach.

**Deputy Richard Boyd Barrett:** Given the Taoiseach's statement and the statements of many people in the media and elsewhere about the importance of the visits by the Queen and President Obama, the cost and the various issues that have arisen, I am surprised there will not be an opportunity for statements to be made in the House.

**Deputy Emmet Stagg:** There have been plenty of statements.

**Deputy Richard Boyd Barrett:** It is a genuine question. There has not been enough debate. Given the huge cost involved and the major impact it is having——

**Deputy Colm Keaveney:** And the benefits.

**Deputy Emmet Stagg:** The Deputy is making one.

**Deputy Richard Boyd Barrett:** —are we not going to discuss it at any stage?

**An Ceann Comhairle:** The Deputy should put down a parliamentary question and he will get all the details he wants.

**Deputy Alan Shatter:** Has the Deputy anything intelligent to say about the visit?

**Deputy Richard Boyd Barrett:** On another matter——

**An Ceann Comhairle:** On the Order of Business.

**Deputy Richard Boyd Barrett:** The Minister should stop barracking. I am asking a question. Another matter I raised previously was whether we would have a chance to debate the McCarthy report on the sale of State assets. The Taoiseach suggested that we discuss it with the Whips. It was raised at the Whips' meeting but we were told there is no appetite to discuss the report and the sale of State assets. Will we get a chance to discuss the report?

**The Taoiseach:** The Deputy does not suffer from amnesia. I heard him raise the Queen's visit in the House in disparaging terms last week. If the Deputy wants an opportunity to discuss the McCarthy report, we will provide it but last week Deputies were complaining that all the House was doing was discussing reports and that it should move on to legislation. We are doing that. The Deputy's party Whip made this point very vociferously.

**Deputy Timmy Dooley:** It is not a party, it is a Technical Group.

**The Taoiseach:** I give Deputy Boyd Barrett a commitment that he will have an opportunity to discuss the McCarthy report. To sharpen the Deputy's memory, he raised the question of Her Majesty's visit last week.

**Deputy Richard Boyd Barrett:** That was for three minutes.

**Deputy Alan Shatter:** After three minutes it would clearly be a waste of time to give the Deputy more.

**Deputy Jerry Buttimer:** The Deputy went to Harrods for his shirt.

**An Ceann Comhairle:** There is also the opportunity to raise issues in Private Members' time.

**Deputy Derek Keating:** Does the Taoiseach believe new legislation or an amendment to existing legislation will be required following what emerged on the "Prime Time" programme, entitled "Dodgy Cabs Ltd.", last night?

**An Ceann Comhairle:** This is not appropriate to the Order of Business.

**Deputy Derek Keating:** It is about legislation and whether new legislation is required or if existing legislation should be amended. What emerged in the programme about the dark underbelly of the Irish taxi industry and the fact that criminals are operating taxis are matters of great concern and many people contacted me about it this morning, particularly as the centre that featured in the programme is located in my constituency.

**The Taoiseach:** I thank Deputy Keating for raising this. It is not a matter of introducing new legislation but of enforcing existing regulations. That will be the focus of the Minister, Deputy Leo Varadkar, and the Minister of State, Deputy Alan Kelly.



**Deputy Michael McGrath:** What are the legislative arrangements for the implementation of the provisions of the jobs initiative announced last week? Will legislation other than the Finance (No. 2) Bill be required? When is it expected to deal with the Finance (No. 2) Bill?

**The Taoiseach:** This was cleared by the Cabinet this morning. The minimum wage will be dealt with by the Minister for Social Protection and the Minister for Finance will deal with the jobs initiative in the next two to three weeks.

**Deputy Mary Lou McDonald:** To return to the taxi industry, there is little point in the Taoiseach expressing dismay with the industry and the fact that it is on its knees if he does not understand that new legislation is required. It is not a matter of enforcing current regulations but of re-regulating the industry on a number of fronts, including the vetting of drivers which was raised by another Deputy.

I understand the Minister is conducting a review. I believe this review will reflect clearly that the current regulatory regime——

**An Ceann Comhairle:** This is not Question Time.

**Deputy Mary Lou McDonald:** ——has failed. On foot of the review, is the Government prepared to countenance new legislation?

**An Ceann Comhairle:** We are talking about legislation that is being promised. This is what the Order of Business is about. Has legislation been promised in this area?

**The Taoiseach:** No, but there is a section of the Act that allows for people to be banned from driving. That has not been implemented yet. If legislation is to be produced arising from the Minister's examination of this, then he will not shirk his responsibility. However, we need an accurate factual analysis of where this has gone wrong and where enforcement needs to be tightened up. If new legislation is required for this, then so be it.

**Deputy Billy Kelleher:** Is the Taoiseach aware that the nursing home support scheme has been suspended by the HSE? Applicants are now being informed——

**An Ceann Comhairle:** Is this a question on promised legislation?

**Deputy Billy Kelleher:** I am trying to ascertain whether he intends to amend or abolish the nursing home support scheme in view of the fact——

**An Ceann Comhairle:** That is a parliamentary question.

**Deputy Billy Kelleher:** ——that there is no finance available.

**Deputy Willie O'Dea:** It is in the programme for Government.

**An Ceann Comhairle:** Is the abolition of the scheme in the programme for Government?

**Deputy Billy Kelleher:** No, I am talking about funding of the scheme. There is a commitment in the programme for Government to improve the nursing home support scheme, but this week applicants have been informed by the HSE that while their application will be accepted, there is no funding available this year for any further funding of the scheme.

**An Ceann Comhairle:** That is not promised legislation. The Deputy should table a parliamentary question.

**Deputy Billy Kelleher:** When does the Taoiseach and his Government intend to bring forward an amendment to suspend the Bill, or do they intend to live up to the commitments made in the programme for Government?

**An Ceann Comhairle:** Is there promised legislation here?

**The Taoiseach:** No.

**Deputy Billy Kelleher:** There is no funding either.

**A Deputy:** Thanks to the Deputy's crowd.

**The Taoiseach:** There was €1 billion.

*(Interruptions).*

**Deputy Billy Kelleher:** It was a commitment in the programme for Government.

**An Ceann Comhairle:** It can be raised in Private Members' time, or through parliamentary questions. There are many ways you can raise this and still be in order, and I will be delighted to facilitate you. You have been long enough around here to know that.

**Deputy Billy Kelleher:** I am just trying to clarify whether the Government intends to live up to the commitments in the programme for Government, and whether legislation is required to suspend the scheme.

*(Interruptions).*

**An Ceann Comhairle:** Can we have some order? I call on Deputy McConalogue.

**Deputy Billy Kelleher:** The first 100 days and the Government is attacking old people.

**Deputy Charlie McConalogue:** When does the Taoiseach expect the Government to introduce legislation, promised in the programme for Government, to set up the new child welfare and protection agency? When can we expect to see the Cloyne report published? Is it the Taoiseach's intention to stick——

**An Ceann Comhairle:** You were doing very well until you got to the second question. That is out of order.

**Deputy Charlie McConalogue:** ——by his party's previous commitment to extend the Murphy commission to all Catholic dioceses?

**The Taoiseach:** The Government is absolutely committed to the programme for Government over its period of office. The primary focus is on giving legislative and constitutional authority to the new Minister with responsibility for children and youth affairs, which is a signal of the importance we associate with children as being fundamental to our future.

**Deputy Micheál Martin:** What about legislation on the agency?

**The Taoiseach:** The Cloyne report cannot be published yet due to legal difficulties. The Minister for Justice and Equality will report to the House on this issue in due course.

**Report of the Standing Order 103 Select Committee: Motion**

**Deputy Charles Flanagan:** I move:

That Dáil Éireann:

(1) notes the Report of the Standing Order 103 Select Committee on the Proposal for a Council Directive on a Common Consolidated Corporate Tax Base (COM(2011)121) which was laid before Dáil Éireann on 12 May, 2011 in accordance with Standing Order 105(3)(b);

(2) having regard to the aforementioned Report, and in exercise of its functions under section 7(3) of the European Union Act 2009, is of the opinion that the Proposal for a Council Directive on a Common Consolidated Corporate Tax Base does not comply with the principle of subsidiarity for the reasons set out in paragraphs 6 to 10 of the Report, and

(3) notes that, pursuant to Standing Order 105(3)(d), a copy of this Resolution together with the aforementioned Report shall be sent to the Presidents of the European Parliament, the Council and the Commission.”

I am pleased to move the motion on the Order Paper in my name and on behalf of the Select Committee on the Proposal for a Council Directive on a Common Consolidated Corporate Tax Base, which is commonly known as the CCCTB. Under new provisions set out in the Lisbon treaty, each national parliament has eight weeks from the publication of proposed new EU legislation to consider formally if it complies with the principle of subsidiarity. That eight week deadline concludes tomorrow and seven other national parliaments are expected to agree reasoned opinions by then that the draft directive breaches subsidiarity.

In the EU context, subsidiarity is a concept about the level of governance, whether EU, national, regional or local, at which action should be taken. It is based on the presumption that action should be taken at the lowest level of governance consistent with the subject matter and the objective to be attained. The subsidiarity principle acts as a check on the need to take action at Union level and ensures that, where it is needed, effective action is taken at the EU level.

Having considered the proposal in great detail, the recommendation of our committee is that the proposal breaches the principle of subsidiarity for the reasons set out in paragraphs Nos. 6 to 10 of our report. If the draft reasoned opinion is agreed by the Dáil, it will constitute the House's formal response under the Lisbon treaty.

This proposal has had a long genesis going back as far as 2001. The European Commission first made clear in a communication in October 2001 that it hoped to introduce harmonisation of direct taxation for companies, in particular by establishing a common consolidated corporate tax base. In further communications in April 2006 and May 2007, it reported on efforts to develop a proposal for a CCCTB. In February 2007, in its annual policy strategy for 2008, the Commission announced its intention to introduce a legislative proposal for a CCCTB in 2008. The draft directive published on 16 March this year is finally the culmination of that process.

Since 2001, previous Irish Governments consistently made it clear that direct taxation is primarily a matter for member states and fair tax competition, not tax harmonisation, was the basis on which the EU could compete with the rest of the world. In that context, it is not surprising that the draft CCCTB directive has met opposition in Ireland among the business sector, political parties, and policy makers. Within a week of the publication of the directive, a Private Members' motion was discussed in the Dáil on 22 and 23 March. Opposition was expressed on all sides of the House to any efforts to interfere with Ireland's right to set its

own corporation tax rates, and the Dáil recognised the Government's sceptical view of the CCCTB proposal.

The specific policy objectives of the directive, as expressed by the Commission, are to eliminate the remaining tax obstacles in the internal market, to reduce compliance costs for companies trading internationally and avoid instances of double taxation or over-taxation, and to reduce tax distortions in investment decisions. The CCCTB proposes that companies would be able to opt for a single set of rules within the EU to calculate their taxable profits. The CCCTB would allow companies to consolidate all profits and losses across the EU, thereby recognising their cross-border activity. The single consolidated tax return would be used to establish the tax base of the company, after which all member states in which the company is active would be entitled to tax a certain portion of that base, according to a specific formula based on three equally-weighted factors, namely, assets, labour and sales. This would all be done through the tax authorities of the company's principal member state, by means of a one-stop-shop.

The Dáil set up the select committee at its first sitting after the election on 9 March. The committee was given responsibility to carry out the parliamentary functions associated with the Lisbon treaty and legislated for in the European Union Act 2009. It is an interim committee pending the setting up of the new committee system for the 31st Dáil. The committee met first on 21 April for an initial assessment and decided that the CCCTB proposal required detailed scrutiny, given its potential implications for subsidiarity. The committee met in public session with the Department of Finance at its second meeting on 4 May to assess the proposal in detail. This was very informative and we are grateful to the officials for engaging openly with the committee on that occasion. It was stressed to the committee that the Minister for Finance remains very sceptical about the CCCTB proposal. The Government is totally opposed to tax harmonisation and is determined to protect Irish interests in the substantive negotiations that will take place on this proposal.

The Department of Finance commissioned an independent study by Ernst & Young, which was published in January of this year. The study finds that the proposal will disproportionately lead to winners and losers among member states. Most worryingly, Ireland is identified as one of the group which would experience reductions in GDP, employment and foreign direct investment.

It was clear from our meeting with the Department officials that this proposal has little, if any, benefit for this country, or indeed for a number of other member states. As stated by one official: "As evidenced by our economic impact assessment, the Commission's proposed cure could be worse than the disease."

The committee met last week for the third time and agreed the report now being debated which finds that the proposal breaches the principle of subsidiarity. The committee has produced a clear and concise report which sets out the grounds for the Dáil to send a reasoned opinion under the provisions of the Treaty of Lisbon. This will be the first time the Dáil has considered the adoption of a reasoned opinion under the treaty.

For the benefit of the House, I will summarise briefly the reasons the committee came to its conclusion. First, the Commission has not adequately met the procedural requirements in the treaty — Article 5 of Protocol 2 — to provide a detailed statement with sufficient quantitative and qualitative indicators to allow national parliaments to assess fully all the subsidiarity implications in a cross-border proposal of this nature. Second, it is not established by the Commission's impact assessment that EU legislation is entirely justified as the best way to meet the broader objectives of the proposal — much of the justification for the proposal is based on assumptions and there is insufficient data available on the implications of this new policy. Third, it is clear from the impact assessment that the proposal may have significant and possibly

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unequal cost implications between individual member states but there is little clarification as to why this is regarded as a necessary policy outcome. Fourth, this is, in effect, asking member states to agree to legislate based on a leap of faith to redistribute the EU corporate tax base amongst member states based on new allocation factors. Fifth, there is also a potential blurring of the competency responsibilities involved. Under the treaties the Commission does not have competence in the area of direct corporate tax. No EU legislation should be proposed that indirectly impacts on national sovereignty as a means of remedying any negative financial impact.

The procedure set out in the Treaty of Lisbon is that if one third of national parliaments send reasoned opinions — under the yellow card procedure — indicating that the proposal does not comply with the principle of subsidiarity, the draft directive must be reviewed by the European Commission. The Commission can then decide to maintain, amend or withdraw the directive, and must give reasons for its decision.

Each national parliament has two votes. In the case of a bicameral parliamentary system, each of the two chambers has one vote.

It is clear that the proposal has divided opinion across member states. As of today, from contacts with other parliaments, it is expected there will be 11 votes across seven different member states against the proposal on subsidiarity grounds: Bulgaria, two votes; Malta, two votes; the Netherlands, one vote; Poland, one vote; Slovakia, two votes; Sweden, two votes; and the UK House of Commons, one vote.

If the Dáil agrees a reasoned opinion, it will increase the number to 12. To meet the one third threshold for the yellow card procedure, it would need 18 votes out of a total of 54 by the deadline tomorrow, and it now appears unlikely that the threshold will be reached. However, given the level of opposition raised, it will be incumbent on the Commission to respond clearly to the concerns raised by national parliaments before the legislation goes any further.

I will give brief details of some of the reasoned opinions to reflect the range of points being made by fellow parliamentarians throughout the member states. In the UK, the House of Commons found that the proposal has significant and possibly unwelcome implications. They are concerned about five matters: the basic justification for the proposal, its legal base and its actual legality, the detailed content of the proposal, its failure to meet the principle of subsidiarity, and concerns about its proportionality. The House of Commons finds that the detailed statement by the Commission “falls a long way short of the level of detail required to substantiate action at EU level”, and that this constitutes a failure to discharge the obligations placed on the Commission by the treaty.

The Dutch House of Representatives found that the proposal breaches both the principles of subsidiarity and proportionality, and it also has some doubts over its legal basis. They find insufficient evidence that greater benefit would arise from EU action. They argue that the proposal will actually reduce GDP unevenly across the EU. They also find the potential shift of direct taxation from national to EU level as undesirable.

The Lisbon treaty only gave national parliaments the power to seek to ensure compliance with the principle of subsidiarity. While Protocol 2 of the treaty also refers to proportionality, the procedure for reasoned opinions is only laid down for subsidiarity concerns. However, it is clear in this case that some national parliaments have found the CCCTB proposal deficient on a number of grounds. They feel strongly enough about the weaknesses of the proposal to signal their other concerns at this early stage, including proportionality and legal basis.

It is unusual for a new legislative proposal to raise this level of concern across member states. New legislative proposals go through a detailed process of consultation and major concerns, in subsidiarity, proportionality and overall legality, tend to have been ironed out in advance of publication.

While the principle of subsidiarity may be clearly stated in the treaty, its application is complex. Subsidiarity is a legal concept but assessment depends essentially on policy and political judgment.

The Lisbon treaty recognises the democratic importance of national parliaments by entrusting them with the initial responsibility for ensuring the principle of subsidiarity is fully respected in all draft EU laws. We have a responsibility as legislators to make our best assessment of subsidiarity based on the evidence available to us. One of the most consistent themes of political debate recently is the need for national parliaments to be seen to be more relevant and responsive to the concerns of their citizens.

It is the considered view of the committee that the CCCTB proposal is deficient in its current form for the reasons given in our report. In summary, first, the Commission has not met the legal requirement to justify substantively what precise problem the proposal is seeking to address, how the proposal will impact on individual member states and why EU legislation for an optional CCCTB is clearly the most effective form of action. Second, the proposal will have a negative effect on the GDP of the EU and may well encroach on the area of direct taxation in how member states will be required to address that negative outcome. Third, it is now clear that a significant minority of member state parliaments have concerns about the proposal which go much further than merely its potential non-compliance with the principle of subsidiarity. Accordingly, I commend the committee's draft reasoned opinion that the CCCTB Directive does not comply with the principle of subsidiarity as set out in the Lisbon treaty.

**Deputy Michael McGrath:** I very much welcome the opportunity of making a contribution on the deliberations of the Standing Order 103 Select Committee on the proposed directive from the European Commission on the introduction of a common consolidated corporate tax base.

I strongly support the decision reached by the committee, namely that the proposal for a Council directive on a common consolidated corporate tax base does not comply with the principle of subsidiarity for the reasons set out by Deputy Charles Flanagan in his contribution and in the report which has been prepared by the committee.

I take this opportunity to thank Deputy Flanagan for his chairmanship of the committee. It had a tight timeframe within which to conclude its deliberations. It worked efficiently and made the deadline which, I believe, is tomorrow for submission of the final report.

In line with the resolution passed by this House, the committee had a narrow focus in that it was requested to examine whether the proposal complies with the principle of subsidiarity. Obviously, this Parliament and any Oireachtas committee established by it is a political forum as well and the committee certainly took the opportunity to examine the wider context of the CCCTB proposal while, of course, complying with the requirement to report on its compliance or lack of compliance with the principle of subsidiarity. I welcome that this particular initiative follows from a provision in the Lisbon treaty which greatly enhances the role of the national parliament, and gave this Parliament and every parliament throughout the 27 member states the opportunity to report back on the compliance of this proposal with the principle of subsidiarity. The clear advice available to the committee from the beginning of its deliberations was that this would be a political judgment rather than a legal judgment. It is fair to state the committee made a political judgment having considered all of the facts it deemed relevant.

[Deputy Michael McGrath.]

It is important to state that during the second Lisbon treaty referendum in this country, the issue of sovereignty with regard to corporation tax was a key issue in the campaign. Clear commitments and assurances were given that direct taxation would remain in national competence, which it does in line with the EU and EC treaties. This proposal must be seen in the context of the political desire among some of the larger and more powerful member states in the European Union to secure tax harmonisation. While successive Governments have been very clear on the issue of Ireland's corporation tax rate, the issue of CCCTB presents an equally dangerous threat to Ireland's economic and industrial policy. I agree with what the Taoiseach stated previously, that effectively this proposal represents an attempt at tax harmonisation through the back door. This sums up very well what CCCTB is about.

As most Members of the House will agree, having an attractive corporation tax regime has been a cornerstone of this country's economic and industrial policy for many years. This regime is one which we must defend in all respects, not only the headline corporation tax rate itself but also the tax base. The European Commission's proposal on CCCTB is a direct attack on the independence of this and every other member state to have its own system of calculating the tax base. This is why we need to be very clear with regard to our position on the subsidiarity aspect, which has been dealt with in the report. When this enters the political realm, which it will when the working group gets into detailed analysis of the proposal and when it is dealt with at Council level, the political opposition from this country should be clear and unambiguous.

With regard to the committee deciding on the subsidiarity principle for this proposal, the guidance we received was to examine it in line with Article 5.3 of the Treaty on European Union. In effect, this is a comparative efficiency exercise involving a necessity test and a greater benefits test. The necessity test is whether the action by the EU is necessary to achieve the objective of the proposal and the greater benefits test is whether the objective would be better achieved at EU level and whether EU action would provide greater benefits than action at member state level. To assist parliaments in their evaluation of subsidiarity compliance, Article 5 of Protocol 2 to the treaty provides explicitly that any draft legislative Act should contain a detailed statement making it possible to appraise compliance with the principles of subsidiarity and proportionality. The committee found this proposal fails this test.

As has been stated inside and outside the House, this proposal is about the EU seeking to achieve its long-standing goal of tax harmonisation. It represents a direct threat to Ireland's successful policy in the area of foreign direct investment. All commentators agree that an export-led recovery will be at the heart of this country's effort to come out of economic recession and build sustainable economic growth. Anything that brings into question our corporation tax regime, or puts a cloud over or an element of uncertainty about Ireland's commitment to having an attractive corporation tax regime, will be damaging to our prospects of continuing to attract foreign direct investment.

While the proposal is for an optional common consolidated corporate tax base, in many respects having such an optional parallel system sitting side-by-side with the individual corporation tax regimes that exist at present in the 27 member states would complicate the administration of corporation tax throughout member states. Having examined this in the broadest possible sense, it seems that CCCTB is a lose-lose situation for Ireland and it is not a proposal we should countenance in any meaningful way.

As Deputy Charles Flanagan stated, the proposal for CCCTB goes back to 2001 when the Commission put it forward as a long-term comprehensive measure for providing companies with a common consolidated tax base for their EU-wide activities. CCCTB would involve new common rules for calculating company taxation throughout the EU and would replace the

system of separate accounting with arm's length pricing methods for allocating group profits across borders with a sharing mechanism. The guidance given by the Department of Finance officials when they came before the committee was that such a new sharing mechanism is essentially a formula which proposes the individual taxable profit or base of each company in an international group would be aggregated or pooled to form a consolidated tax base. This consolidated tax base would be re-attributed to those same companies based on their presence in any member state, that presence being measured by the scale of assets, employees, payrolls and sales in any member state compared to the group as a whole

One would not need to be an economist to realise that re-attributing any multinational's profits across European member states based on that methodology would not favour Ireland, given that we have attracted most of the top multinationals in life sciences, IT, pharma and medical devices. Many of them have channelled much of their activity to Ireland. If we were to reapportion their profits across the European Union on the basis of the number of employees, payroll and, in particular, with regard to where they achieve their sales and turnover, then self-evidently this would not be a change that would bring any advantage to Ireland. Clearly, it would disadvantage us in terms of the corporate tax base we have.

While each country would continue under the CCCTB proposals to tax at the national corporate tax rate, the amount of taxable income would be arrived at under these common rules. While we might retain the appearance of having sovereignty by keeping the 12.5% rate, if the taxable income on which the 12.5% rate was applied was much reduced as a result of this proposal, of course the net impact would be that corporation tax income for the Exchequer would be greatly reduced. This is the context in which we must consider this proposal. The CCCTB would certainly remove any advantage Ireland has with regard to the 12.5% corporation tax rate it currently utilises.

The draft directive was published by the Commission on 16 March 2011. Its passage would require unanimity among the member states. This is the ultimate power we have as a country. I know in terms of how politics works in the European Union with regard to the spirit of co-operation and the way consensus is reached on individual issues that countries do not want to threaten to use the power of a veto, but if it comes to it and if the European Union is determined to persist with this proposal and bring it to the Council for a vote then Ireland should exercise its power of veto to block it.

An economic assessment of the proposed directive was carried out on behalf of the Department of Finance by Ernst & Young, one of the big four accountancy firms. It pointed out that the impact of the CCCTB proposal would be an overall reduction in employment and foreign direct investment in the EU under both a voluntary and mandatory CCCTB. There would be a reduction of economic activity in the EU and a change in the relative competitiveness of the EU compared to non-EU countries, as Europe would become less attractive for new foreign direct investment. It would also create significant winners and losers among member states through the redistribution of tax bases and among individual taxpayers, increasing uncertainty and instability for business.

There is no proof that the introduction of a CCCTB would assist the European Union as a whole to attract inward investment. The report referred to by Ernst & Young points out that it is likely having a CCCTB would be close to a zero sum game and that it would do little to increase the size of the overall economic pie within the European Union, with little change in terms of efficiency. It further states the debate has focused on the redistribution of the tax base among member states, the impact the new system would have on business decisions and the increase in investment or employment among member states. In addition to the report mentioned, a further report commissioned by the employers' group IBEC found that a CCCTB



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would result in higher compliance costs, higher effective tax rates, uncertainty about tax rates, damage to the European Union as an investment location and that the Commission's proposals were based on an old economy model and that optionality would be unlikely in practice.

According to the impact assessment accompanying the Commission's directive, the Commission has acknowledged that while the anticipated impact of the proposal is described as negligible at EU level, it would be large for some countries, especially Ireland. Simulations of the effect of the optional CCCTB carried out as part of the impact assessment by the Commission suggest that while EU GDP might fall by 0.17%, in Ireland it would range from a decline of 3.16% to 3.19%. When one considers these figures in the context of the very modest economic growth we hope to achieve in this country this year of 0.8%, clearly the impact of the proposal would be very serious.

I understand the proposal will now be considered by a Council working group which will be tasked with examining the proposed directive, article by article and line by line. I reiterate my party's position on the CCCTB proposal. We are absolutely opposed to it. We opposed it in government and oppose it in opposition. We urge the Government to use every tool at its disposal to express its opposition to this Commission proposal and will support it in that regard. The Taoiseach said recently that the Government had a very healthy scepticism towards the CCCTB proposal but that it would engage constructively on it at EU level. As Deputy Charles Flanagan pointed out, other member states' national parliaments have adopted an adverse or a negative position on the subsidiarity aspect. There is an opportunity for the Government to build alliances with these countries in its opposition to the proposal.

**Deputy Pádraig Mac Lochlainn:** As the Sinn Féin representative on the Standing Order 103 Select Committee, I am happy to commend the motion to the House. It was passed unanimously by the committee after much deliberation. It reflects a united determination not only among the members of the committee but I am sure the Members of this House also to defend one of the few instruments we have available to affect economic policy to create jobs and attract inward investment.

I am conscious that, opportunistically, some of our European partners, for want of a better description these days, have sought to use the proposal as a negotiating ploy in response to the ongoing attempts by Ireland to get a better deal and move away from the EU-IMF austerity programme which is devastating the economy and our people.

The scope for manoeuvre by the committee was limited and within the context of subsidiarity. One could apply it in purely technical and legalistic terms, but I note from looking at the responses of some of the other parliaments, in particular the Dutch and British Parliaments, that they clearly associate sovereignty with subsidiarity. It is very important for us to do so also, since so much of our economic sovereignty has been taken away. That was a key focus for us. It is important to state how the British Minister presented the issue in the debate in the British Parliament which issued a reasoned opinion similar to that of the Dutch Parliament. It is important for the public to understand its implications. It stated:

The draft Directive would:

- provide for a single set of harmonised rules for calculating the tax base for taxable profits of companies resident in Member States;
- allow companies to opt into the CCCTB or to continue to operate within national tax systems;

- allow groups of companies to calculate their total EU-wide consolidated profit for tax purposes;
- provide for that profit to be allocated to companies making up the group on the basis of an apportionment formula composed of sales, payroll, number of employees and assets in each Member State; and
- provide that Member States would then tax the profit apportioned to companies in their Member State.

To simplify the matter, we could retain our corporation tax rate at the current level, but if this proposal was applied throughout the European Union, much of the profits made by companies based here would be redistributed to other member states. Reports carried out on behalf of the Department of Finance demonstrate that the economy and the people would clearly lose out as a result of this proposal.

The quantitative and qualitative aspects of the proposal were picked up on by the committee. The reports emanating from the European Commission to advance the proposal were poor in comparison to that the Department had prepared. They failed to adequately demonstrate the mutual benefits of the proposal across all member states. The committee in its deliberations and recommendation to the House strongly referred to this aspect, which was alarming.

It has been on the agenda of some member states to go after sovereignty, look for harmonisation and pull us into a one-size-fits-all policy. We see from what has been happening to the euro and the European economy how dangerous that could be. I refer to the comments and concerns of the Dutch Parliament in this regard. We have concluded our deliberations, but the Dutch and British were stronger in their reasoned opinions. They did not focus only on the issue of subsidiarity, they also spoke about proportionality — two headings under which we must assess European Union legislation. The Dutch state the proposal does not adequately indicate that action at EU level is preferable to the current situation where member states act individually; the proposal would not be beneficial to all stakeholders; the impact assessment clearly sets out many disadvantages for individual states which require comparison against the proposed benefits; the proposal might only have a very small positive impact on the general well-being of the European Union as a whole but would have a negative impact on the GDP and well-being of some countries, including the Netherlands; the proposal could cause budgetary losses at national level because of a smaller tax base; the proposal is badly timed in the current economic climate; and that in accepting that the impact on the revenue of individual member states would depend on their mix of taxation and policy choices, the Commission is indirectly interfering in the field of direct tax rates. Again, they are concerned about the sovereignty issue. The Dutch House of Representatives recommends caution for reasons of practicality and principle and refers to proposals that encroach on national sovereignty. I could quote from the reasoned opinion of the British Parliament at length, but it is broadly along the same lines. There is concern, therefore, and not only in small member states on the issue of sovereignty.

The position may have changed since it reported to us at the committee, but I was concerned about the Department of Finance's initial advice to us. It advised initially, on a preliminary basis, that the proposal complied with the principle of subsidiarity. I am mindful of the fact that in 2007 it stated the CCCTB proposal cut across national sovereignty and subsidiarity. That was the strong link it made to the sovereignty theme. However, it advised the committee on a preliminary basis of this. I am not satisfied the response given to us shows a change of opinion over such a short period of time and on such an important matter.

[Deputy Pádraig Mac Lochlainn.]

When campaigning against the Lisbon treaty, Sinn Féin and many others outlined that the Irish State and other member states retain the veto over corporation tax. The difficulty was that under qualified majority voting and other mechanisms, particularly enhanced co-operation, there is potential for enhanced co-operation even when a number of states have vetoes, reasoned opinions and the yellow card system at the European level. A number of European states can move on this, meaning there will be significant difficulties for Ireland if the member states happen to be France, Germany and Italy. Products manufactured here are exported for sale into those economies. We need to be vigilant.

There have been repeated German and French calls in recent times for a *quid pro quo*. They have repeatedly linked a reduction in the interest rate and CCCTB. Sinn Féin stated this is not the core issue in regard to the IMF-ECB-EU austerity programme. I refer to the cut in the interest rate, our corporation tax levels and the need for us to change. We are in difficult times and we must stand our ground. Collectively, we must concede nothing more. We are also mindful of the euro pact, which is the environment we are working in at the moment. I wish to cite the pact: “Developing a common corporate tax base could be a revenue neutral way forward to ensure consistency among national tax systems while respecting national tax strategies, and to contribute to fiscal sustainability and the competitiveness of European businesses.” We must be worried about this and the Government must be focused on it. The objective of those controlling most of our affairs is to move in this direction. There is no room for complacency. I am mindful of the limitations we are under because of the austerity programme. One of the key instruments for a government is control of currency and control of interest rates. In response to its crisis, the British Government was able to devalue the currency by one third. This was a major stimulus for exports to the British economy. It was able to consider interest rates and cool down or drive forward the economy. These are major instruments that have been taken away from Ireland at this point. The capacity to invest in our economy to stimulate it has also been taken away from us. The recent jobs initiative contains some well-meaning initiatives but it was tinkering around the edges. We need a substantial investment, utilising the resources of the National Pensions Reserve Fund and investing in infrastructure and job retention programmes. The latter is similar to what is in place in Germany, with businesses that have succeeded and can succeed again being subsidised. That makes sense from the perspective that every person who signs on costs the State €20,000. It makes more sense to subsidise viable employment. These imaginative initiatives need real resources and cannot be done because of the shackles of this austerity programme. Every eminent economist on the international scene, whether on the left or right, acknowledges and accepts the terms and conditions as applied to Ireland are unsustainable. We cannot deliver growth in our economy on this basis. Similarly, Greece cannot do it and Portugal will struggle. This project comes from the same people who wish to sustain the euro by punishing the people of the peripheral states for the collective crisis caused by the ECB and international financiers who failed in their regulatory responsibilities. These people got it dramatically wrong and they want to promote CCCTB. We must learn to be once bitten, twice shy.

The requirements to have control over corporation tax is a key instrument of Government. We have lost so many and conceded so many to our cost. We cannot concede another one. We must remain vigilant about the idea of enhanced co-operation and the ability of other states to undermine, by the back door, the will of the Irish, the Dutch, the British and the Polish people. We must be vigilant and focus on this point.

I am concerned about the preliminary advice of the Department of Finance. Maybe it has changed since it gave it to us but it is concerning, even if it was given on a preliminary basis.

These are the very people who were accused by Morgan Kelly of doing a poor job of negotiating on our behalf with the ECB. These are the people who Morgan Kelly accused of suffering from Stockholm syndrome during negotiations, which will have major implications for people. We need to ensure that on this issue, they are defending this national interest. I was disappointed with the preliminary advice, even if it is limited to the tight, technical constraints of subsidiarity.

Fine Gael and Labour MEPs supported the Bersani report at European level but I am pleased to see that, in this Parliament, they have moved away from that position. They see the danger of what began at that level. We need to be vigilant and we need to monitor the situation. We have taken the first steps and I am sure the House will endorse the recommendation of the committee. This will send the collective message to European policymakers. I am sure other parliaments will do the same. Let there be no doubt that this is not the end of the process. There is a long journey to run.

**Deputy Stephen Donnelly:** I propose to share time with Deputies Shane Ross, Finian McGrath and Tom Fleming. I support the motion and commend it to the House. I thank Deputy Flanagan for chairing the committee and doing an excellent job in pushing us to come to this motion in a short space of time. The proposal for a CCCTB means our corporate tax regime is under threat on two fronts. Our corporate tax rate is under attack from France. We are all aware of this and we see reports in the media on the extraordinary position of the French. They insist that we increase our corporate tax rate in exchange for a reduction in the interest rate on money the Irish people are borrowing to bail out European financial institutions. It is extraordinary that the French want to profit from that as well as driving us into bankruptcy to bail out their financial institutions. It is extremely disappointing.

The corporate tax base is also under attack from the CCCTB and Brussels. The CCCTB purports to be a solution to a complex set of tax rules between European countries. From deliberation in the committee and from reading various files, it became clear to me that it is massively disproportionate to what is required and represents a Trojan horse for tax harmonisation, as described in this House. I hope and trust the Government will resist it. The reality of CCCTB would be that our tax base would shrink significantly. This would be worse than increasing our corporate tax rate. Many Deputies are opposed to increasing the corporate tax rate because it would scare off investment from domestic and international firms. Shrinking the CCCTB base would do the same thing, while reducing the Exchequer take from corporations. So this is more damaging than an increase in the corporation tax rate. As such, I oppose it strongly.

The CCCTB would also damage Europe. The EU's analysis shows that in eight of its 12 scenarios, the level of jobs in Europe and economic growth fell, and the EU's analysis shows that Ireland suffers far more than any other European country. We can see the reason for this. The CCCTB aims to change the principles of corporate tax in Europe rather than just clean up complex rules. It looks to tax corporate profits at the point of consumption. If the Germans sell a BMW to the French, the French Government will tax the profits on the car; the German Government does not get to claim any profits in an environment in which it invested public money. It is extremely distorting and would fundamentally undermine Europe's ability to trade.

I am concerned to hear from Deputy Charles Flanagan that the number of yellow cards required will not be met. I support the Government's decision to engage in this process and voted as such in the House. However, my support was on the basis that the engagement would be used to ensure that the CCCTB would never see the light of day or, at least, that we have no substantive part in it.

[Deputy Stephen Donnelly.]

It is worth reflecting on the fact that at a conference in Washington DC a few weeks ago which I attended, French Minister Christine Lagarde stated in a fairly strenuous manner that there would be movement on the base. I reiterate that, thank Deputy Charles Flanagan and encourage the Government to resist this on an ongoing basis.

**Deputy Mattie McGrath:** There is a significant financial and symbolic significance associated with our corporation tax rate, which has drawn tens of billions of dollars of foreign direct investment, much of it from the United States. This is attracting high-skilled activity in the high-tech areas, pharmaceuticals, biomedical industries and others. In my own constituency in south Tipperary, we are nearly the leaders in the pharmaceutical sector; my colleagues and I visited Merck, Sharpe & Dohme last Friday and the new extension to its facility, which will provide 100 or more high-tech jobs. That company has brought in significant investment from abroad.

Highly skilled activity is being attracted and the raising of the corporation tax rate or implementation of the common consolidated corporation tax base, CCCTB, is out of the question. The corporation tax rate is protected under many EU treaties and I have been told we have a veto on the matter. The last referendum in Ireland was on the Lisbon treaty and the matter had to be put to the people twice. When I was knocking on doors many people were concerned about this veto so I hope the promised laws will come about.

One of the essential pillars of our economic policy, which is critical to achieving growth, is the corporation tax rate. It would be counter-productive not only for Ireland but for the eurozone and European Union to interfere with it. As an open peripheral economy we must compete with larger and more central economies on mainland Europe, so we must be able to offer incentives. We are honest about the incentives in this country, unlike the French. The French Government and its president have turned the issue into a political football, airing inaccurate views about Ireland's tax model and how it compares with other European states. Those living in glasshouses should not throw stones and the French should examine their own tax laws. Whereas the headline French corporation tax is 34%, the effective rate paid by businesses is far lower, and some corporations, such as major oil enterprise Total, manage to pay no French corporation tax at all. It is a disingenuous and unfair process, and our Government must fight it at all costs.

A PricewaterhouseCoopers study for the World Bank indicated that France undercuts Ireland on an overall corporate tax burden, a fact about which we should be constantly cognisant. There appears to be growing agreement in Europe that tax harmonisation will eliminate competition and centralise activity when the opposite is necessary. Economic activity must be allowed to flourish across the EU and particularly in peripheral states. People in such states are already being punished and they should not also feel effects from a CCCTB. I strongly support the Government in its stance.

**Deputy Shane Ross:** I congratulate everybody who has spoken on the motion and the degree of unanimity is very welcome. We are tip-toeing around the issue because what is happening here is very obvious. It is a nakedly political issue and in considering the timing of what is going on, it is obvious that this is related to what is happening on corporate tax or our negotiations with the ECB, the EU and the IMF. It is related to everything happening in Europe. The Taoiseach was right and we should support him fully in his statement that the CCCTB was simply a means of changing the corporate tax rate via the back door. There is little doubt about that.

This issue has been rumbling along for eight or nine years and seems to be coming to a head now, at the exact time we are under pressure about the corporate tax rate. As Deputy Donnelly has outlined, this is a means of changing the rules in order to undermine the 12.5% rate. The Government is standing steadfast on that rate and if it cannot be changed, the only way around the matter is to change the rules and the basis of calculation. If the proposals from the Commission are implemented, the 12.5% tax rate would be fairly irrelevant, and we will be left high and dry with our 12.5% tax rate, with much less to tax because profits will move elsewhere. It is ingenious and clever but I suggest that the Government take exactly the same attitude to this as it has with the corporate tax rate; if necessary, as Deputy McGrath indicated, a veto can be used.

We can be involved in constructive dialogue but it will only be constructive in name and appearance rather than in the sense as intended by our European partners. I was one of those few people who voted against the Lisbon treaty the first time and in favour of it the second time. I voted against the treaty because of fears about a move against the 12.5% tax rate. At the time I was assured by no lesser people than the Government of the time and the French President when he visited here that there was no threat whatever to the corporation tax rate. He came to the French Embassy and reassured all and sundry that he had no intention in that respect. As a result, assurances were given for the second referendum and they are now ringing extraordinarily hollow.

It seems to be no coincidence that the nation that the proposed changes suit more than any other is France. This is undoubtedly a French-led initiative. I say that as a Francophile and somebody who goes on holidays to France virtually every summer. I say that because I see self-interest, ingenious timing and a great deal of damage to this nation. An Ernst & Young report related such findings.

I suggest that we make it absolutely clear to our European partners that any changes in the CCCTB should be treated in exactly the same way as any changes in the 12.5% tax rate because tax harmonisation is an issue on which we will exercise our right to veto, whether it is done via the back or front door.

**Deputy Tom Fleming:** This proposal is a strategy by the bigger powers in the EU such as Germany and France; they are playing games to get at our 12.5% corporate tax rate through the back door.

The 12.5% rate is vital for our existence in terms of competing on a level playing pitch, particularly in the context of the current economic crisis. We export more than 80% of everything we produce and have a huge export market in sectors such as consultancy and, ironically, financial services.

I welcome the recent declaration by the Taoiseach that he will oppose attempts to increase the corporation tax rate through the back door. It has been reported in other political circles that Ireland is prepared to engage in discussions but we cannot enter negotiations without knowing the implications for our 12.5% tax rate and the revenues that accrue from it. That door should not be left even half open. The details of these proposals have not been fleshed out and we cannot agree to anything that would be detrimental to our interests. As the Lisbon treaty gives each member state full control over its domestic tax rates, all 27 member states would have to agree before changes can be made and individual states can exercise a veto over proposals. We will have to be vigilant in this regard.

Given the success of the 12.5% tax rate, we should if anything reduce it to give the economy a badly needed stimulus. The Government should consider reducing it to 10% because we need

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[Deputy Tom Fleming.]

to think outside the box and take positive measures that will help us resolve our crisis. No country could oppose such a reform in light of our current predicament.

**Deputy Kieran O'Donnell:** I commend Deputy Charlie Flanagan on the efficient manner in which he conducted the committee's business and on producing a comprehensive and relevant report. CCCTB has been discussed in very abstract terms but the proposal put forward by the European Commission breaches subsidiarity rules because there is insufficient information to make a proper evaluation of the proposals and, by the Commission's own admission, it veers into the area of Ireland's effective corporation tax rate. The Commission's explanatory memorandum on the directive states that its effect on the revenues of member states will ultimately depend on the policy choices they make with regard to the combination of taxes levied or the rates applied. In other words, if the Exchequer experiences a decrease in corporation tax revenue, the State would have to change its tax rates to compensate for the loss. Europe does not have competence over our corporation tax levels but this directive encroaches on this area.

In layman's terms, individual countries will set their tax rates according to certain criteria. A way will first have to be found to combine all the profits for companies over Europe and then each country will tax a proportion of this amount based on its share of sales, employee numbers and assets. As each of these factors are weighted at one third, the profits made by the large number of multinational corporations located in Ireland will be taxed in the country in which they make their sales. That means we lose as a country and our capacity to meet our EU-IMF requirements will be diminished. The multinational sector looks for certainty but this proposal provides uncertainty by calculating overall profits across the EU before dividing it into shares that can be taxed according to the rates applied by individual member states. Clearly it is not in the interest of Ireland or its large multinational base to face this degree of uncertainty.

Furthermore, the proposed directive is outdated. It was originally proposed in 2000 to deal with inequities between member states. In the subsequent 11 years, we have introduced transfer pricing regulation, double taxation agreements and various measures recommended by the European Court of Justice. As a small country, we will lose out to larger member states on sales, employee numbers and capital investment. The directive deals with a number of issues that have already been addressed more efficiently elsewhere. Even by the EU's own admission, it is questionable whether it will benefit the EU. The Commission states that employment will be reduced by 0.1% and that GDP and foreign direct investment will decrease. In its current incarnation, therefore, CCCTB is not good for Europe.

Our corporation tax rate of 12.5% is applied on trading profits. Rental and investment income is taxed at 25%. While France levies a corporation tax rate of approximately 33% it also provides a special SME rate of 15% for profits under €38,000. Companies resident in certain French territories, such as French Guiana, do not have to pay corporation tax for the first ten years of operation. Exemptions are also provided to ailing companies in certain designated areas. In the case of capital allowances for fixed assets, for every €100 spent on fixed assets in Ireland in year one there is a tax saving of €1.56. In France the corresponding tax saving is €6.60. Contrary to what may be the popular view put out by France, it probably has an effective lower corporate tax than Ireland. The French authorities should sit back and look carefully at what is being proposed under the CCCTB because the rates they are providing are not far off what are provided in this State.

Our 12.5% corporate tax rate is one of the cornerstones of our economic policy. It is what primarily attracts multinationals to the State. I was a practising accountant for many years and recall small companies struggling to pay corporate tax at 40% before it was reduced to 12.5%. Those companies were then able to retain staff, recruit new staff and invest in their business.

The CCCTB proposes a system of standard capital allowances for countries and a standard write-off of credits for research and development. These are two integral parts, along with our corporate tax rate, in terms of economic policy. The CCCTB will change how member states arrive at a base for taxation, based on the overall volume of revenue. On that basis we could retain our rate of 12.5% but the amount of profits we can tax will be reduced, the capital allowances we can use will change and research and development tax credits will be altered. In other words, under the CCCTB the effective corporate tax rate will change.

The European Commission acknowledged this when it stated that member states will have to make adjustments in their own mix of taxation based on what they lose under the CCCTB. There is a recognition that Ireland will lose out under the proposed scheme. The Commission does not have a competence in the area of direct corporate tax rates and no EU legislation should be proposed that indirectly impacts on national sovereignty. Our corporate tax rate is fundamental to our future in terms of our economic base. The current CCCTB document does not meet the subsidiarity requirement.

**Deputy Timmy Dooley:** I welcome the opportunity to contribute to this debate. In the last Parliament I was a member of the Oireachtas Committee on European Affairs as well as the Oireachtas Committee on European Scrutiny. It is probably the first time we have seen the provisions of the Lisbon treaty being used to deal with a very important issue. I thank the committee for conducting its business quickly in this instance.

The committee's remit was to consider whether the CCCTB proposal meets the requirement in regard to subsidiarity; it was not charged with examining the likely outcomes of the proposals. In that regard the committee was somewhat hamstrung in terms of what it could achieve. The committee has concluded that the proposal does not meet the subsidiarity requirement. It will be a matter for other parliaments to take their decisions on that and we will then see how the provisions of the Lisbon treaty are applied in practice. Only then will we be able to establish whether they are to the benefit of the State in terms of where we see this debate going.

I accept that the Government is committed to the retention of the 12.5% corporate tax rate, as alluded to by various members of the Cabinet and by the Taoiseach on many occasions both inside and outside the House. That is welcome and in line with successive Government policy. Of equal importance is the protection and retention of our tax base. Any measure or decision that would erode the base will have an impact on our capacity to generate the types of taxes that are required to assist us through this difficult period. I am not sure, however, that we will win the subsidiarity debate in the long run if it were to be dealt with on a broader European basis. I am somewhat confused as to why the Government is proposing to enter into dialogue with its counterparts at EU level as part of a greater debate on this issue.

We all accept that the Government is over a barrel in terms of commitments it has made, particularly the desire to reduce the interest bill on the bailout. While that is laudable, we must be careful of our negotiating stance. We on this side of the House have a responsibility not to goad the Government into taking a position that would ultimately be to the detriment of the country. The interest rate is one thing, but we should steer well clear of entering into any dialogue that might ultimately dilute our position. The point has been made by various Government speakers that it is important to involve ourselves in the debate and that dialogue is the appropriate way forward. However, for an issue of such vital national importance, we must at the outset raise the red flag. We must, from the very beginning, invoke our right to the use of the veto, making it clear we are not prepared to enter into dialogue nor to countenance any changes to the way in which taxes are apportioned or collected which might impact on our capacity to trade out of the difficult situation we are in.



[Deputy Timmy Dooley.]

I would prefer to see the Government park the issue and to suffer the minor consequences associated with not attaining the interest rate change immediately. The question of the interest rate will be dealt with in due course. We must not cede any type of authority in regard to moving the CCCTB debate along. All of the reports on the CCCTB proposal, including that carried out by Ernst & Young on behalf of the Department of Finance and published in January, clearly show there will be winners and losers under the model and that Ireland will be a significant loser. Given our current fiscal situation we must steer clear of anything that might undermine our position in any way.

The report by Ernst & Young highlights lessons from the experience of the United States with combined reporting and the apportionment by formula of various tax measures. The overriding theme is that the adoption of a consolidated tax base with a uniform apportionment is unlikely to be either uniform or stable over a period of time. It is the view of the authors of the report that the same will apply, and probably to an even greater extent, in Europe because of the different measures that will be adopted by member states. The EU undertakes to respect the tax sovereignty of member states and if corporate tax competition continues to increase in the way it has in the past, what might be set out as the goals or objectives of this proposal will fall by the wayside and probably lead to greater disparity and greater difficulties in the future.

We should also look to the findings of the IBEC report that a CCCTB would result in higher compliance costs, higher effective tax rates, uncertainty regarding tax rates and damage to the EU as an investment location. In addition, the Commission's proposals are based on the old economic model and optionality would be unlikely to happen in practice. Taking these findings into account, I am confused as to why the Government continues to indicate a willingness to participate in a discussion with EU partners on this matter. The Taoiseach recently described CCCTB in this House as harmonisation of corporate tax rates through the back door. However, the Government has signalled its willingness to enter serious discussion on the CCCTB. There is an element of speaking out of the both sides of the mouth on its part but I can understand why that is the case, particularly in the context of a desire to secure a quick decision on the reduction of the bailout interest rate. That issue has moved on considerably because of what has happened in Portugal and Greece and, more recently, because of what has happened to IMF personnel. Perhaps the demand is not as great to find a resolution to this matter. There is an opportunity for the Government to assert its position and, in particular, to assert the necessity to protect our corporate tax base by putting forward the potential for the use of the veto at the earliest stage, recognising that any changes require unanimity. Clearly, if Ireland is diametrically opposed, as it would appear to be based on what various speakers have said, to this proposal, there is no necessity to enter dialogue in the first place. That is why there is no point having constructive engagement because that would lend credibility to the Commission's argument in the first place.

Over the weekend, the Minister of State at the Department of Foreign Affairs, Deputy Creighton, said the position of the French had hardened. The previous speaker correctly pointed out that while France has a 33.3% corporate tax rate, its effective tax rate is significantly lower at 8.1% according to the World Bank and PricewaterhouseCoopers report on paying taxes in 2011. While, on the one hand, the French have adopted a strong approach to force Ireland to make a change, they have a different perspective on their own rate. Literature produced by the French equivalent of the IDA, the Invest in France Agency, boasts of France having a low corporate tax rate. It states France's corporate tax regime is just as competitive as countries such as Ireland and cites the World Bank report for that claim. The French system has a range of tax breaks and incentives, including credits for hiring older workers or setting

up in a poorer region. The most important is the research credit of 30%, which, as the agency notes, is more attractive than Ireland's 25% tax credit and represents one of the most generous in the world.

We are hearing a great deal of noise from France, in particular, and there has been a push towards a CCCTB for some time. While the French are setting out that the proposal is necessary and Ireland is a rogue state in the minds of some because of the approach it has taken to reduce its corporate tax rate, they are well ahead of the game and they are clearly trying to benefit more. The report on the CCCTB demonstrates that France would be a big winner to a tune of an increase of 6% as a result of the formula contained in the proposal. I urge the Government parties to walk away from their suggestion to engage in constructive discussion and to be clear that the veto will be used from the outset and that there is no necessity whatsoever to countenance any move towards a CCCTB.

**Deputy Denis Naughten:** I wish to share time with Deputy Twomey.

I welcome the opportunity to contribute to the debate as one of the members of the committee that examined the CCCTB. The proposal has been around for the past ten years and one of its main objectives is to deal with double taxation and over-taxation of companies that operate in a number of member states. However, this has been addressed through double taxation agreements between member states and, therefore, the argument in this regard has evaporated.

The other argument made by the Commission is that the proposal would reduce the administrative burden relating to tax compliance. It states the overall net gain in GDP at Union level would be 0.02%. However, studies, including one carried out by IBEC, found that the initial cost of upgrading IT systems and retraining staff and management would have a significant impact on the overall profits of the companies that would potentially avail of changes in corporate tax rates. The proposal disproportionately discriminates against a number of member states and the greatest loser would be Ireland because our percentage take of the overall EU tax base would reduce by one sixth, which represents a significant amount in the current economic climate. This, in turn, would have a significant impact on investment and employment to a lesser degree. However, we would face a decline in GDP of up to 3.2%. This would have a significant impact on the economy in comparison to the negligible gains that could be made.

The reason it would have such an impact on Ireland does not relate to our corporate tax base but to the way the Commission has drafted its formula to balance tax rates across member states. It discriminates against economies that are built on the IT and services sectors and it is very much orientated to traditional economies that operate in large member states. The formula disproportionately discriminates against small member states because of the apportionment tax structure proposed, which does not take due account of services, financial assets and so on.

Two out of three workers are employed in the services sector in Ireland. The structure proposed by the Commission disproportionately discriminates against companies in this sector. That is a fundamental flaw in the proposal. It also disproportionately discriminates against member states with small domestic markets because the system is loaded in favour of sales within member states. The proposal, therefore, fails the subsidiarity test. It would not provide a clear benefit either to Ireland or to the Union. It is not necessary nor is it proportionate either in its treatment of member states or the Union as a whole. I commend the motion to the House.

**Deputy Liam Twomey:** I support the motion. The committee was set up to examine whether the draft EU directive complied with the subsidiarity principle and we decided that it did not and gave a reasoned opinion for that. The directive would result in increased costs for member

[Deputy Liam Twomey.]

states and, as drafted, it does not outline fully how much it would cost every member state over time if it were implemented. However, we will not secure the minimum number of votes required to block the directive. A total of 18 votes are required and it looks like that figure will not be reached. This means the directive will reach the next stage of discussion at both Commission and Council of Ministers level. Contrary to what Deputy Dooley said, it has been clear in all debates in this House that this country is willing to discuss the CCCTB. There is a need for this country to be able to make its case rather than just threaten to veto proposals. We will discuss every aspect of the draft proposal but we will be absolutely clear that we will protect our corporate tax rate at every level of the European institutions because it is vital to our financial well-being and always has been. Sometimes when I hear other Heads of State discussing this country's position on corporation tax it seems they are very much playing politics for a local audience and it has nothing to do with the European project.

It is important that Ministers and officials are sent to Europe with a clear indication of what they need to protect in this country's interests, namely, as all Members have said, the corporate tax rate of 12.5%, that we have defended time and time again throughout the crisis at European level. The issue has taken on an added dimension because we are seen to be almost in conflict with some of our major trading partners within the European Union. Concerns have been raised by the German Chancellor and the French President about this country's corporate tax rate. They have been very much part of the wider financial concerns that are being expressed at European level about what has happened in this country in recent years.

The Government will work extremely hard to bring stability back to the economy to help us get out of the financial mess in which we find ourselves. Many of the concerns that have been expressed in the course of the debate in recent months will fade into the background if we manage to succeed in turning around the economy, get a return to growth, and control spending and debt in the long term. That should be the No. 1 priority for every single individual in this House because that is what will protect our future.

Even if the directive on the common consolidated corporate tax base goes forward for discussion it could be another 15 years before it comes back to this House for serious discussion. That is assuming we do not veto the proposal. It takes years for such directives to go through the European institutions at the best of times so we should not be too concerned about the proposal. Neither should we make any wild statements on what other countries say or are telling this country to do during the financial crisis.

We are setting out to protect our corporate tax regime. We have given a reasoned opinion on why it does not comply with subsidiarity. The Government is big enough to go to Europe and negotiate on behalf of this country on any draft directives put forward. We should not issue the threat of a veto even before we see what Europe proposes to do with us.

**Deputy Peadar Tóibín:** It is often said in criticism of the EU that it is like an oil tanker trying to turn around in that it takes such a long time to make decisions. I have not heard anyone say previously that it is a benefit of the EU to take such a long time to make decisions.

Ba mhaith liom ar dtús fáilte a chur roimh an rún seo. This motion is to be welcomed, as is the committee's unanimity on the matter. The Government parties hold a view contrary to that of the Department of Finance, whose opinion is that the Commission's CCCTB proposal does comply with subsidiarity. That must be a point of concern for all Deputies.

However I wish to put the focus on subsidiarity and the politics and purpose of the Commission's plan to push ahead with a common consolidated corporate tax base for Europe. Let us not forget that in September of last year the EU's Tax Commissioner publicly stated that if

member states did not sign up to CCCTB it would be prepared to force the issue using enhanced co-operation procedures — thus threatening to place Ireland outside the European core.

It is also worth remembering that prior to the Lisbon treaty referendums — during which corporate tax became a central issue — Fine Gael and Labour MEPs supported the infamous Bersani report in the European Parliament, one which called for common corporation taxes. Thankfully, both parties have seen the error of their ways and have come round to the Sinn Féin point of view on the issue.

The European Commission has been working on the introduction of CCCTB since the 1990s. Having already consolidated almost everything else to varying degrees — the economic, social, monetary and budgetary policies of member states — taxation is simply the next logical step for consolidation. The proposition set out by the Commission that it is merely seeking to create a formula for calculating corporate tax rates and the apportionment of such taxes and not the rate itself — is a fudge in itself. Either way, it means this country will lose its ability to set its own corporate taxes.

Let us be very clear. There is no treaty provision in matters of direct taxation. This is a matter solely for member state governments to decide. In real terms that means the CCCTB should not even be on the table for discussion. In fact, the Government's entertainment of the directive is to ignore the critical lessons at the heart of the European project currently and the financial crisis that is enveloping Europe. Issues pertaining to finance and taxation policy cannot be governed by a one-size-fits-all package. This country, like many of the periphery countries, is on a completely different economic cycle from the core eurozone members. Accordingly, the dictation of interest rates by core members when this country's economy was racing ahead, further accentuated the property bubble and the boom we went through in recent years. That interest rates are increasing at the behest of the core European countries at the time of one of this country's greatest recessions will make recovery far more difficult. In light of the current situation it does not make sense to even put the CCCTB on the table.

The Minister of State, Deputy Brian Hayes, has a different view. He was not a week in government before he told the House that we must “live up to our responsibilities and engage with our European partners on any tax proposals brought forward by the European Commission”. Being a member of Fine Gael means one is sometimes burdened with trying to be the best European child in the class. It appears that the party wanted to show off its European credentials. The Minister of State, Deputy Brian Hayes, laboured the point by adding: “The CCCTB proposal has been brewing for some time and the publication of the directive will, if anything, finally enable a constructive and forthright debate to begin on the issue.”

Perhaps Fine Gael could explain to the House why we need a “constructive and forthright debate” on a European directive that seeks to influence and control this State's ability to set its own taxes when there is no treaty provision — and therefore no requirement — on the State to do so? Perhaps the Government's position on CCCTB should be viewed in the context of its gradual acceptance of the IMF-EU programme. What started out as an uncompromising declaration of renegotiation quickly became, post-election, a meek acceptance of the EU-IMF diktat. Prior to the election the Labour Party boldly stated that “it did not accept that the EU-IMF deal provides a workable basis for restoring the Irish economy”. The Labour Party told its voters the fiscal strategy set out in the EU-IMF deal involved excessive austerity that would put jobs and growth at risk. Fine Gael, perhaps to up the ante, told the people that it believed the EU-IMF bailout deal had not and would not restore investor confidence in this country and must, therefore, be renegotiated to reduce the interest rate and to ensure a fairer sharing of the cost of fixing Ireland's broken banks. Its manifesto was categorical in its condemnation

[Deputy Peadar Tóibín.]

of the programme, stating: “The current deal is bad for Ireland — and bad for Europe.” Emboldened by the heady days of a post-election pact, Fine Gael and the Labour Party’s programme for Government committed the parties to recognising that there was a growing danger of the State’s debt burden becoming unsustainable and to ensuring that those measures to safeguard debt sustainability were urgently explored.

Over the past number of months, I and my colleagues in Sinn Féin have put the question to the Minister for Finance with regard to the exact point of unsustainability. Surely it is one of the most important issues facing the country. If there is a point of unsustainability, as alluded to by the Minister, Deputy Noonan, the Government should come clean and pinpoint where that is and inform the people how close we are to it. So far we have been refused an answer on this.

When the big day of negotiation arrived, the Labour Party and Fine Gael bottled it and on 28 April signed up to the very same deal with the EU and IMF that Fianna Fáil so badly negotiated late last year. Ministers will tell us that they re-jigged the deckchairs on the Titanic and that Ireland’s banking system is now in a better place. In other words, their wheat is different from the Fianna Fáil chaff. Nobody, not even Deputies and Ministers on the Government benches, truly believes that.

Sinn Féin will closely follow the Government’s constructive and forthright debate on CCCTB with our European partners. We will wait to see whether the Minister, Deputy Noonan, and the Minister of State, Deputy Hayes, can reconcile their view on the matter with that of their Department. We will see if Fine Gael will live up to its election manifesto commitment to oppose any attempt to dilute the unanimity required for tax harmonisation and if the Labour Party will live up to its promise to oppose any move towards a mandatory common consolidated tax base.

**Deputy Joe Costello:** I am delighted to have the opportunity to speak on the motion on the report of the Standing Order 103 Select Committee on the proposal for a Council directive on a common consolidated corporate tax base.

Deputy Tóibín is not quite correct in what he said about the Department of Finance. When we met the Department officials in the committee, they emphasised that it was their preliminary advice that this might not be in breach of subsidiarity. However, we do not know at this time what is their final position. The Deputy also mentioned the Labour Party, Fine Gael and Deputy Hayes engaging on the tax issue and the bailout. That is what we are doing. We always said we would engage on it and are in the process of doing that. We do not throw out the baby with the bath water. We are engaged with Europe and accept we are members of Europe. There is not much sense in being, as Sinn Féin is, in favour of the motion but not prepared to argue the case coherently and rationally. Rather, it attacks the parties on the other side. We need more cohesion and rationality in arguing the case on Ireland’s behalf.

The principle of subsidiarity is the most fundamental principle governing the operation of the European Union. Article 5(3) of the Treaty of the European Union states: “The Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States.” Now, for the first time, under the Lisbon treaty national parliaments are being given the power to determine what constitutes the principle of subsidiarity. This is a legal power, but not a legal decision. It is a political decision, an Oireachtas decision and a decision of all the parliaments in the 27 member states. We decide, not the Commission or the Council. We make up our minds and if enough of us make up our minds that this infringes on the principle of subsidiarity, the matter must be rectified by the Com-

mission and the Council. That is the power we have. For the first time ever, we are the watchdogs of policy-making in the European Union. We must engage and must be rational and reasonable. That is what we are doing.

What Deputy Flanagan has presented to us are the arguments put forward by the committee. These are the rational arguments for why we say this infringes the principle of subsidiarity. This is the first time ever this has been done. I regret we were not able to do it earlier, because of the election and the unfortunate situation where the Seanad has not been convened. In that case we would have had two votes, rather than the one we have currently, but, unfortunately, that is the situation. I have expressed my concerns that the eight-week period was too short for each parliament to make its determination in committee, go through the plenary process and then campaign with other member states. Unfortunately, that was the situation and we must make the most of it. Now, all legislative proposals emanating from the EU Commission must satisfy the principle of subsidiarity and be subject to that test.

The original purpose of the CCCTB proposals was to facilitate cross-border trade by having a centralised mechanism for tax assessment in the EU countries in which the traded goods are sold and a centralised formula for the allocation of that tax, based on sales, payroll, number of employees and assets of companies. Allocating taxes on this basis would be a significant change from the *status quo*. Theoretically, the proposal would redistribute the tax base between member states, while the member states themselves would continue to set their own corporate tax rates. However, if the impact of the proposal on member states altered their revenue stream, tax rate adjustments would have to be made, which could amount to an indirect interference in the control exercised by member states in the setting of their tax rates. This would be a clear breach of the principle of subsidiarity.

What is signally missing from the proposals is any evidence that the CCCTB will achieve the objective intended, namely, to facilitate cross-border trade between the member states. Big businesses and multinationals do not need assistance to conduct business in many countries. They are adept at doing so, as that is their nature. It is the small and medium businesses that require assistance in conducting cross-border trade efficiently and at a reasonable cost. However, it is difficult to see the value of a harmonised tax assessment mechanism, based on the tax returns from the country where the produce is sold, as having any benefit for the promotion of cross-border trade. It is unclear how this can be a solution. Indeed, it may well be counter productive. It may impede the countries of origin, where the business is based and where the goods are produced, from setting their own corporate tax levels as they consider appropriate to suit their particular business model. Small and medium enterprises need assistance in accessing a variety of markets in a number of countries, but they would be best served by a one-stop-shop offering financial and regulatory assistance and business direction, rather than any form of tax harmonisation.

Far more detailed information is required before all the implications of a cross-border proposal of this nature can be adequately assessed as to the benefits it might have and whether EU-wide action is necessary to achieve the objective of the proposal. Research proposals from Ernst & Young, mentioned earlier, have shown that Ireland would be among a group of six countries that would benefit least, while France and Germany would be among a group of larger countries that would benefit most. Interestingly, France and Germany are the main protagonists of the CCCTB.

There are serious questions to be asked with regard to this proposal in the context of subsidiarity. We require much more detail, a much wider argument, much more information on the benefits to be obtained and much more information as to whether what is supposed to be achieved would be achieved by the mechanism as proposed.

**Minister of State at the Department of Finance (Deputy Brian Hayes):** I thank Deputy Charles Flanagan, the members of his committee and the Members of the House who have spoken on the issue today. In particular I thank Deputy Charles Flanagan for the report of his committee. As Deputy Costello made abundantly clear, this route whereby Standing Orders are used to allow a committee to raise an issue of significance under the provisions of the Lisbon treaty is a very important parliamentary procedure and highlights the importance of using the powers under the Lisbon treaty to have more parliamentary scrutiny and accountability in decision making across the Union. Parliament's voice absolutely needs to be heard not only from the perspective of the Executive, but more particularly from the perspective of the Commission and the Council so that it is clear if there is a red light on a particular issue, the voice of the national parliaments is heard. That was something that was an inimical part of the Lisbon treaty in the debate that ensued, as colleagues will be aware.

Deputy Tóibín and to a lesser extent Deputy Dooley raised the question of engagement, which I would like to address on behalf of the Government. I understood from what Deputy Tóibín said that he is effectively arguing that the Government and the State should walk away from the current debate on the CCCTB proposal that has emanated from the Commission. He is suggesting doing something that his party did not do over a 14-year period in the Northern Ireland peace process. The two principles in that case were: first, nothing is agreed until everything is agreed, which in a funny way is the kind of rationale at the heart of the European project albeit a bigger project now because of enlargement; and second, one should stay at the table and persuade others of the position that one wants to take up. The Government would contend that it is not in our national interest simply to walk away or to use the phraseology of Deputy Dooley from Clare that we should use the red flag. That is not in our national interest primarily because were we to walk away—

**Deputy Joe Costello:** One never knows; it might be no harm to walk away.

**Deputy Brian Hayes:** — nine or more countries could go it alone, which would immediately bring the proposal that step closer to implementation. In staying with these negotiations and being actively engaged we can make the case as to why we are so opposed to the introduction of the Commission's CCCTB proposal. It is in our national interest to remain engaged on this matter, not to run away from the debate and to continue to make the case from our own perspective and the perspective of many other countries where the implementation of this proposal would be entirely negative towards their economies. We are willing to engage with the Commission and other member states on the issue provided the principle of unanimity on taxation matters is fully respected. All indications would suggest that the publication of the draft directive is only the beginning of a very long process. After all, the question of harmonising company taxation in the European Union has been around for a number of decades and we can anticipate many more years of work before any final proposal will fall for consideration.

The House will be aware that the limits of the European Union competence as governed by the principle of subsidiarity are set out in Article 5 of the Treaty on European Union, which, *inter alia*, states: "the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level." National parliaments have a role in ensuring compliance with the principle of subsidiarity as laid out in the Article 6 of the protocol on the application of the principles of subsidiarity and proportionality. In accordance with Article 5 of the same protocol, the European Commission, which has the right of initiation in legislative proposals, is required to justify all legislative proposals from the point of view of subsidiarity. In this

respect the Commission argues in its proposal that a co-ordinated action at EU level is necessary to achieve the desired end and that the fundamental concept of the CCCTB can only be implemented by a common approach within the European Union.

In recognition of the terms of the article of Protocol 2, the preliminary view submitted by the Department of Finance to the committee suggested that it was arguable that the proposal does not infringe upon subsidiarity. However, my Department was very clear in that this was only a preliminary view as Deputy Costello has rightly said and that the Department might wish to alter its view following a more detailed examination of the proposal and discussion at the Council working group. Considerations that would impact on that preliminary view would include the question of a compulsory system rather than an optional system and whether the consolidated element of the proposal would be dropped at some future date. A proposal without consolidation would have a much reduced impact on member states' tax revenues. Furthermore the requirement for a unanimous vote at the Council gives sceptical member states the possibility to discuss all of their concerns, including subsidiarity as discussed on the proposal development.

The Department of Finance preliminary view is the view of the Government, including the Minister for Finance, and my own view. The Minister's view was based on a very narrow interpretation of the principle of subsidiarity. The Minister for Finance made it clear that there would be plenty of scope to develop that view as discussions progressed. The committee decided to take a broader view of subsidiarity as a principle, which was perfectly within its right, just as the Dutch and British Parliaments did in that matter. It is, of course, a matter for the House to decide whether it wishes to send a reasoned opinion that would range wider than subsidiarity alone. In that respect I note the report and the opinion of the Standing Order 103 Select Committee. I congratulate committee members and thank them for the work they put into this report, which has been laid before the House.

I echo the remarks of the Minister, Deputy Noonan, at today's ECOFIN meeting on the question of trying to reduce the interest rate charged on the package of funds from the EU. A new approach seems to be developing within some member states — a minority view, I suspect — that in order for a concession to be given, a member state must give something away. I believe that will produce a kind of political gridlock within the Union and is not in the Union's long-term interest. It is certainly not the European way. In many respects it makes it more difficult for countries like Ireland, which are part and parcel of a programme of funds provided by the EU and IMF, to find a way out of the very difficult economic situation we face. I reiterate the view of the Minister who made it absolutely clear in Brussels today that a more workable solution needs to be found. We will not give way on our vital national interest. The vital national interest of the country remains that the 12.5% corporation tax rate should remain. At a time of economic crisis the last thing a country does is to bring uncertainty to bear. Any reduction in the corporation tax rate at this stage would be economic suicide for this country at a time when we need certainty about our corporation tax rate and certainty about the potential of investment to continue to come into the country as it has so ably in the past.

That is the view of the Government on the issue. We remain committed to the reduction in the interest rate on the EU portion of the funds to this country. We continue at a bilateral and multilateral level to work with that, but we will not concede on vital national interests that the Government will absolutely defend as I believe all Members and parties in this House equally defend.

Question put and agreed to.



**Private Members' Business****Dublin-Monaghan Bombings: Motion**

**Deputy Caoimhghín Ó Caoláin:** I move:

That Dáil Éireann, recalling the motion it adopted unanimously on 10 July 2008 which:

- noted “the interim and final reports of the sub-Committee of the Joint Committee on Justice, Equality, Defence and Women’s Rights on the report of the Independent Commission of Inquiry into the Dublin-Monaghan Bombings and the three related Barron Reports, including the Inquiry into the Bombing of Kay’s Tavern, Dundalk, and commends the sub-Committee for its work”;
- urged “the Government of the United Kingdom of Great Britain and Northern Ireland to allow access by an independent, international judicial figure to all original documents held by the British Government relating to the atrocities that occurred in this jurisdiction and which were inquired into by Judge Barron, for the purposes of assessing said documents with the aim of assisting in the resolution of these crimes”; and
- directed “the Clerk of the Dáil to communicate the text of this Resolution, together with copies of the aforementioned reports, to the House of Commons of the United Kingdom of Great Britain and Northern Ireland, with a request that the matter be considered by the House of Commons”;

notes that the question of obtaining access to information held by the British Government on the bombings has been pursued for many years;

requests the Government to continue to raise the matter with the British Government and to press it to comply with the request of Dáil Éireann and reaffirms the support of Members on all sides of this House; and

acknowledges that the cooperation being sought is taking place in the context of transformed relationships on this island and between Ireland and Britain based on mutual respect, on partnership and on friendship.

I wish to share my time.

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

**Deputy Caoimhghín Ó Caoláin:** I welcome the cosigning of this motion by An Taoiseach and the other party leaders. I welcome those relatives of the victims of the Dublin-Monaghan bombings who have joined us in the Visitors Gallery this evening. I welcome also the representatives of Justice for the Forgotten who have accompanied them. I congratulate them sincerely on their dignified campaigning and tenacity.

The purpose of this motion is to reaffirm and reiterate the call made unanimously by the Dáil on 10 July 2008. That resolution, set out again in our motion, urged the British Government to open all relevant files on the atrocities inquired into by Mr. Justice Henry Barron. It should not have been necessary to put this motion before the Dáil. The motion and debate reflected the frustration of the survivors and bereaved of the Dublin-Monaghan bombings of 17 May 1974 and of the other atrocities inquired into. They have waited for almost three years for the

British Government to act on that motion. They have also waited for the former Taoiseach to press his British counterpart to act but, on both counts, they have been deeply disappointed.

The motion also reflects the patience and endurance of the survivors and the bereaved. The unanimous call of the Dáil on 10 July 2008 was not a one-off event but the latest step in a long process in which the Oireachtas engaged with the affected families, initiated investigations, established committees, held public hearings and published reports. Through all of this, the Oireachtas received no real co-operation from the British authorities. The reports expressed frustration over this lack of co-operation. It was a logical step, then, for the Dáil to adopt the motion of 10 July 2008 calling on the British Government to act.

I regret that successive taoisigh, in answer to questions from me and others, have attempted to present this issue as a matter for the Clerk of the House and his counterpart, the Clerk of the House of Commons, or for the Whips in this House. The motion of July 2008 stated clearly it called on the British Government to release all the relevant files to an independent international figure, as quoted clearly in the motion before the House.

It would be difficult to count the number of times I have questioned former Taoiseach Bertie Ahern on this matter. Time and again, I urged him to press the case for openness, truth and justice with the British Government. Although not often enough, nor vigorously enough, he did raise the matter with Mr. Tony Blair. The motion of 10 July 2008 gave a strengthened mandate to the Irish Government to pursue this matter but I regret it failed to take it up. Former Taoiseach Brian Cowen showed no embarrassment whatsoever when he admitted he had not raised the issue with the then British Prime Minister, Mr. Gordon Brown, a failure he repeatedly confirmed in this Chamber. The responses of the current Taoiseach, Deputy Enda Kenny, have been less than satisfactory also. While I accept he has not been long in office, none the less this should be a priority in any meeting on Irish-British relations between the Taoiseach and British Prime Minister until the request of the Dáil motion of 2008 is complied with.

It is especially frustrating that successive taoisigh have failed in this regard in the context of the current visit of the Queen of England. Scheduling the first day of that visit on the very anniversary of the Dublin-Monaghan bombings showed gross insensitivity. Clearly, this major outstanding issue, this legacy of the conflict, was far from the minds of those who initiated, planned and organised this visit. I salute the forbearance of the relatives who turned the insult into an opportunity. They have asked that the British Prime Minister, Mr. David Cameron, take this opportunity to agree to release the files. He should do so without further delay.

There are some who argue that all this should be forgotten or set aside. It was forgotten by most except those immediately affected by it. It was set aside. That was why the group representing the survivors and the bereaved was called Justice for the Forgotten. This tragedy was for years the tragedy that was deliberately forgotten by official Ireland. The Garda investigation was closed down within a matter of months. In the aftermath of the tragedy, the then Fine Gael-Labour Government attempted to place responsibility for the bombings on the shoulders of Irish republicans. In fact, it effectively parroted the argument of the unionist paramilitaries that it was provocation from republicans that led to the bombings. The rationale for the massacre was obvious, however. It was designed to ensure that the Irish Government was put in its place and that the public in this State would be terrified. The spectre of the backlash was created in order to suppress any expression of solidarity with the plight of nationalists in the North, any expression of the legitimate republican demand for an end to partition and British military withdrawal.

Within the British state system, there were clearly forces, closely allied to unionism and loyalist paramilitaries, who had a common interest in toppling the Stormont Executive. If this

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also destabilised the Labour Government of Harold Wilson, it was well and good as far as many of them were concerned.

There are those who will accuse us of raking over old issues and opening old wounds, but these are unresolved issues of truth and justice. No mistake should be made about that; wounds are still open. It is quite galling that many of those who make such statements did little themselves to aid the search for justice or, worse, actually impeded that search.

Similarly, we are being implored, in the context of the current state visit, to set aside these matters, to move on and even grow up as a nation. These are patronising and insulting attitudes. They might have some shred of credibility if those who uttered them had any kind of track record in challenging the British state on its role in Ireland. However, their record is mostly blank. Many of them would have welcomed the current state visit even at the height of the conflict.

We make no apology for returning to this issue of justice. We do so conscious of the fact that there are victims on all sides of the conflict and many unresolved issues. We have called for an international truth process and we have said that Irish republicans would be prepared to play their part in such a process. However, there is no such process in place. It is only right that those who seek the full facts on events such as the Dublin and Monaghan bombings should be accorded their right to truth by the British Government.

I recall 17 May 1974 very well, when tragedy visited this city and my home town of Monaghan. Seven citizens of Monaghan lost their lives. That left a deep scar on the town and a memory that is still vivid to this day. More than three times that number were killed in Dublin where 26 people lost their lives — ten in Parnell Street, 14 in Talbot Street, two in South Leinster Street and an unborn child.

Our focus is not only on 17 May 1974. The investigative process initiated by the Oireachtas which led to the publication of the Barron reports had a wider remit in terms of other incidents. As well as his inquiry into the Dublin and Monaghan bombings of 1974, cases Mr. Justice Barron examined to a greater or lesser degree included the bombing of Belturbet in County Cavan in December 1972 in which two teenage civilians were killed, the Dublin bombings of December 1972 and January 1973 in which three bus workers were killed, the killing of IRA volunteer John Francis Green in County Monaghan in January 1975, the Kay's Tavern Dundalk bombing of December 1975 in which two civilians were killed, the Castleblayney bombing of March 1976 in which Patrick Moen was killed and the killing of civilian Séamus Ludlow in County Louth in May 1976.

In a process arising from the Barron reports, senior counsel Patrick MacEntee carried out a probe of the Garda investigations of the 1974 bombings. While the process from the beginning fell far short of the public inquiry demanded by justice campaigners, it threw a spotlight on these events. It is clear from all the reports that there was collusion between agents of the British state and those who carried out the bombings. All the evidence and experience of that time and of later years point to extensive use of Unionist paramilitaries as a key component of British counter-insurgency strategy in Ireland. Hard evidence for that lies somewhere in the archives of the British state. It must be brought to light.

In other circumstances the British Government has been quick to point out the need for truth and justice and support for the victims of violence and conflict. It was reported last week that a group proposed to travel from the North of Ireland to Libya, reportedly to represent relatives of people killed by the IRA. They were advised by the British Foreign Office to speak to the Libyan Transitional Council in London. *The Belfast Newsletter* last Friday, 13 May, reported the following comment from the British Foreign Office: "It is clear that if the Libyan

people choose a new future for themselves and their country there might be huge opportunities to find out about the support for terrorism that did so much damage to the UK. The [British] government attaches huge importance to acknowledging the suffering of victims and to their legitimate attempts to seek redress.”

Does the British Government recognise the suffering of the victims of collusion in this State? Does it acknowledge the legitimate attempts of the victims of the Dublin and Monaghan bombings, and other fatal, cross-Border acts of collusion, to seek redress? Is the British Government consistent in its position? If it is, let Mr. David Cameron act accordingly. I call on the British Prime Minister to do so tomorrow when he is in Ireland by making a commitment to the Irish people to release the files. If he fails to do so, he must be continually pressed on the matter by the Taoiseach and by all those who have an opportunity to do so, be they representative of the Government or of the Opposition voices in this House as mandated not only on 10 July 2008 but also by this all-party motion that will be passed tomorrow evening. The unanswered questions remain. Now is surely the time for answers.

**Deputy Mary Lou McDonald:** This morning, survivors and bereaved relatives of those killed in the Dublin and Monaghan bombings of 17 May 1974 and other fatal acts of collusion in this State gathered at the memorial in Talbot Street to remember their loved ones. It was a poignant and dignified ceremony on the 37th anniversary of the greatest loss of life on a single day during the conflict. A total of 34 lives were lost — 26 people, including a pregnant woman, in Dublin and seven in the town of Monaghan. We extend our continuing sympathy to all affected by the tragedies of 17 May 1974. We extend the same sympathy and solidarity to all who have experienced injury and bereavement in the conflict. Sinn Féin has consistently made it clear that it seeks a process of truth recovery, an international process which accords respect to all.

All of this is unfinished business between the people of Ireland and the British Government. It is very important to point out that to raise these issues is not to seek to rake over a dead past or to turn our backs on the future. A clear understanding of the past is required to move on and make political progress. It is disrespectful to the bereaved on all sides when politicians, political commentators and others dismiss their concerns as outmoded or even backward looking. The sense of hurt at such attitudes was expressed on behalf of the relatives at the wreath laying ceremony this morning.

The statement of the British Prime Minister, Mr. David Cameron, in June last year at the time of the publication of the Saville report on Bloody Sunday was very significant and welcome. He said: “It is right to pursue the truth with vigour and thoroughness. Openness and frankness about the past, however painful, do not make us weaker, they make us stronger.” It is important to recall that this statement came at the end of a very long process. The Saville inquiry was so protracted and costly precisely because the various agencies of the British state, not least the British Army and the British Ministry of Defence, had sought for so long to prevent a proper inquiry and then to thwart it and delay it.

This was an inquiry into a massacre which had taken place before the eyes of the world and in which the perpetrators, members of the Parachute Regiment of the British Army, were plainly visible. It is not surprising, although it is equally unacceptable, that the victims of collusion have faced such a stone wall of silence and refusal on the part of the British Government. The people of Ireland and friends of Ireland were outraged by Bloody Sunday and the British Embassy in Dublin was burned to the ground. People in the Twenty-six Counties were attacked by British forces as well. Seeing the upsurge in support for Irish republicanism in the Twenty-six Counties in 1972, the British crown forces deployed loyalist counter-gangs, the heavily infiltrated Unionist paramilitaries. They bombed Dublin in 1972, 1973 and 1974. The purpose was to strike terror into the people in this State, to make them fear any show of solidarity with

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the oppressed Nationalist people of the North. This strategy was complemented by the Irish Government, which sought to blame republicans for the bombings and which tightened political censorship and repression in this State.

The Saville report gave hope to the bereaved and to the survivors of Dublin and Monaghan and of the other cross-Border bombings and fatal acts of collusion in this jurisdiction. It was a disgrace, in the context of the Dáil debate on the that report on last year, with its vindication of the families, that the Irish Government cut the funding for the only victims' group in this State, Justice for the Forgotten. It was equally disgraceful that we had a Taoiseach who failed to raise with the British Prime Minister the unanimous call of this Dáil for the British Government to furnish to an international judicial figure all files in its possession relating to the Dublin and Monaghan bombings and the other fatal acts of collusion in this jurisdiction.

It is almost three years now since the Dáil passed that resolution on 10 July 2008. This motion before the Dáil today reaffirms that call. It mandates the Taoiseach to act with determination on this issue. We know from the history of the Bloody Sunday relatives' campaign how the British system works so assiduously to conceal the information in its possession. However, persistence has paid off and it is required again to vindicate the families who have been campaigning so long and hard under the banner of Justice for the Forgotten.

The Joint Committee on Justice, Equality, Defence and Women's Rights examined Mr. Justice Barron's reports and concluded: "We are dealing with acts of international terrorism that were colluded in by the British security forces." That sentence sums up the gravity of what is at issue. It took nearly 20 years for the families shattered by the May 1974 bombings to come together as a group. The name, "Justice for the Forgotten", conveys the predominant feelings of those families; they had been abandoned by successive Irish Governments and their tragedy has been turned into a footnote of history. Thanks to the campaigning of Justice for the Forgotten, a private inquiry headed by Mr. Justice Liam Hamilton was finally established by the Irish Government in 2000. Following the death of Liam Hamilton, Mr. Justice Henry Barron took over and most of the work of the inquiry took place on his watch. After the judge's initial private inquiry, he issued a report which was then published by a special Oireachtas committee. The committee then held hearings based on the report. Representatives of An Garda Síochána and the Irish Government appeared before the committee but, unlike in a full public inquiry, this format did not allow representatives of Justice for the Forgotten to cross-examine those appearing before the committee.

All along, the Barron investigations were hampered by the outright refusal of the British Government to co-operate. In February 2005, the Oireachtas justice committee issued a report which was scathing in its criticism of the lack of co-operation from the British Government. The British Prime Minister, Tony Blair, was found to be acting in conflict with the Good Friday Agreement because of his refusal, in a letter to the then Taoiseach, Bertie Ahern, to establish an inquiry into the Dublin and Monaghan bombings of 1974. The report also criticised British Secretary of State, Paul Murphy, for his spurious claim that a "further major and time-consuming search" through British records was not possible.

However, it was not only the British Government that suppressed the truth. In March 2004, the Oireachtas justice committee, in its final report on Barron, raised very serious questions about why the Garda investigation into the Dublin and Monaghan bombings of May 1974 was so limited and of such short duration. That report stated that it was "extraordinary that the investigation into an atrocity of this scale could or should be wound down so soon". The Barron report was critical of the conduct of the Garda investigation itself. The sub-committee stated

that the authorities in this jurisdiction at all levels “could have been far more vigorous in their attempts to identify and bring to justice the perpetrators”.

In a process arising out of the Barron reports, senior counsel, Patrick MacEntee, carried out a probe of the Garda investigation of the 1974 bombings. The Garda investigation was closed down within four months of the biggest mass murder in the history of the Twenty-six County State and its total inadequacy has now been well exposed. What has also come out is the extent of collaboration between the Garda Síochána and the RUC at the time. It is clear that both on a political and security level, the Fine Gael and Labour Government of the day, led by the then Taoiseach, Liam Cosgrave, did not want to rock the boat with the British Government by exposing the extent of British forces’ collusion in the bombings. The former Taoiseach, Mr. Cosgrave, himself refused to co-operate with the Barron inquiry.

This has been the experience of the survivors and the bereaved in this jurisdiction who for so long, and with very good reason, felt they had been forgotten. We acknowledge the work of Deputies on all sides in successive Dáileanna in taking up these cases and supporting the campaign for truth and justice. We acknowledge also the work of successive Governments, as far as that work went. However, much more should have been done.

Truth recovery needs to be part of the peace process. Now is the time for the Irish Government to pursue the demand for truth and justice with real determination. It is possible to do so while building on the friendly relations between the people of the island of Ireland and the people of the island of Britain. Indeed, we would argue that real and lasting peace cannot be built without honest attempts to resolve these long-standing issues. Now is time for justice for the forgotten. I echo the group’s call made today, and let it re-echo from this Chamber: release the files.

**Deputy Brian Stanley:** This Private Members’ motion is a timely reminder of the fact that the British Government still has many questions to answer about its involvement in collusion. We support the demands from victims’ families that the truth be told about collusion.

From the very creation of the Six County statelet, there has been a campaign of state-sponsored murder and collusion with Unionist paramilitaries. It has existed at the very highest levels of the British military and political establishment. During 30 years of conflict, Unionist paramilitaries were supplied with information and their actions directed and controlled by special branch and British intelligence services. From the mid-1980s onwards, British intelligence agencies effectively controlled all loyalist paramilitary activity through the use of agents, informers and *agents provocateurs*. This included the murders of Pat Finucane, Rosemary Nelson and many other Nationalists and republicans, including members of Sinn Féin.

The report of Mr. Justice Henry Barron made a significant statement on the bombing in Belturbet, County Cavan, on 28 December 1972, in which 15 year old Geraldine O’Reilly of Belturbet and 17 year old Patrick Stanley of Clara, County Offaly, were killed. The report names a Fermanagh loyalist, Robert Bridges, as the prime suspect, who at the time was a serving member of the Ulster Defence Regiment, which was a regiment of the British army. The Barron report stated that gardaí requested the RUC in 1975 to question Mr. Bridges about the Belturbet bombing, but the inquiry was “not aware of the result, if any” of these requests. This raises very serious issues for both the British authorities and the Garda. These questions have not yet been answered.

The British Government must be forced to co-operate with inquiries on collusion. The Barron report covers bombings in 1972 and 1973, including two in Dublin in which three bus workers were killed, and Belturbet as well as non-fatal explosions in Clones and Pettigo. The British Government again has refused to co-operate with an inquiry established by the

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Oireachtas. It abuses its special relationship with the Irish Government to avoid international accountability for the actions of its armed forces in Ireland. The Irish Government should not stand for this and should bring the issue of collusion before the court of world opinion.

The Barron report highlighted the devastating results of British terror in Ireland. From the beginning of the conflict in 1969, the British Government's forces carried out attacks in the Twenty-six Counties directly and through their loyalist paramilitary surrogates. The December 1972 bombing of Dublin was clearly designed to swing public opinion and the Oireachtas towards repressive measures. The Government of the time allowed British terror to succeed when it passed draconian amendments to the Offences Against the State Act. The co-ordination of the bombing of Clones, Pettigo and Belturbet, where two teenagers died, were part of the same effort to change policy in this State, and succeeded in doing so.

The British Government failed to co-operate with the first Barron report on the Dublin and Monaghan bombings of 1974.

**An Leas-Cheann Comhairle:** The Deputy has just one minute and a half remaining.

**Deputy Brian Stanley:** The British Government refused the invitation of the Oireachtas committee which held hearings on that report. It has failed to act on the call of that committee, unanimously backed by the Oireachtas, to establish a form of inquiry into the Dublin and Monaghan bombings. It has failed to have a resolution to this effect passed in the Houses of Parliament, as recommended by the Oireachtas. It has failed to act on the 2008 all-party motion.

It is well known that the Littlejohn brothers were British agents who carried out actions in this State designed to place the blame on republicans and to provoke a repressive response. The two of them were convicted for their involvement in that and their links with serving members of the Garda Special Branch were also exposed at the time. All of that was only the tip of the iceberg of British covert action in the 26 Counties in the period covered by the Barron report. The British must come clean.

Ms Susan Stanley spoke before the Joint Committee on Justice, Equality, Defence and Women's Rights Sub-Committee on the Barron Report. Her mother was six months pregnant with her when her brother Patrick was killed in Belturbet. Speaking on the day of publication of the second Barron report, she said: "If Bertie Ahern wants to act a puppet to Tony Blair, I won't and neither will my family."

As far as Sinn Féin is concerned, there is a responsibility upon Fine Gael and Labour, which, unfortunately, is not represented here this evening, to act on the motion that they endorsed in 2008 to now call upon the British Government to make all files available regarding the Dublin-Monaghan bombings. The British politicians who sanctioned the policy of collusion have not been held accountable. Just as culpable are those in this State who have consistently put their narrow self-interest above the national interest, the rights of Irish citizens living in the North and the peace process.

The British Government's refusal to co-operate with a range of inquiries into state and state-sponsored violence, even inquiries it itself set up, is symptomatic of a culture of concealment that infects the entire British system. When it set up the Saville inquiry into the events of Bloody Sunday, it obstructed that inquiry for a long period. It also obstructed the Barron inquiry into the Dublin and Monaghan bombings and it has refused to initiate a full and independent inquiry into a number of controversial killings. Fifteen years after the death of Mr. Pat Finucane his family is still waiting for the truth about his death and who sanctioned it. The British Government continues to withhold vital evidence in respect of numerous state and

state-linked killings in the North. I call again on the Government and all parties in this House to not tolerate this any longer.

**Deputy Dessie Ellis:** I dtús báire, ba mhaith liom tacaíocht a thabhairt do na clanna agus gaolta atá ag lorg córais ceart sa Teach seo.

In 2006 the Final Report on the Report of the Independent Commission of Inquiry into the bombing of Kay's Tavern, Dundalk by the Joint Committee on Justice, Equality, Defence and Women's Rights, stated:

The Sub-Committee is left in no doubt that collusion between the British security forces and terrorists was behind many if not all of the atrocities that are considered in this report.

In this and other reports commissioned by the Oireachtas the reality of collusion between British Crown forces and Unionist paramilitaries is highlighted.

For years when nationalists and republicans pointed out that such collusion was not only taking place but was commonplace, it was dismissed as propaganda. It took long years of campaigning, mainly by the survivors and the bereaved of these acts of collusion, for the truth to begin to be exposed.

The reason my party has tabled this motion on the day of the 37th anniversary of the bombings in this city and in Monaghan is because many of the issues related to that event remain unresolved.

The Dublin victims were ordinary working class people, mostly from the northside of the city, which I am proud to represent. They were effectively forgotten about by the powers that be over many years. In a similar manner, the victims of the Stardust tragedy, also on the northside of this city, were disgracefully neglected. I could not stand here as a Finglas man and not mention my friend Martin Doherty who gave his life to stop a loyalist bomb in the Widow Scanlon's pub crowded with more than 300 people 17 years ago next week. His family also await justice.

Through the long years of campaigning not only were the families affected by acts of collusion and their supporters ignored by the political establishment, but they were often made to feel that they were considered by certain elements of the State to be what used to be known as subversives. Thankfully, those days are behind us but there are still many questions that remain to be answered and avenues of investigation that still need to be pursued.

The Barron and MacEntee reports did not bring closure. They strongly indicate that there has still not been full disclosure on the part of either the Irish or the British states of all the intelligence pertaining to the bombings and the subsequent investigation, or, more accurately, lack of investigation.

**An Leas-Cheann Comhairle:** The Deputy has two minutes remaining.

**Deputy Dessie Ellis:** On the British side, they have failed to make available any of the information related to the role of loyalists and others who, it is strongly believed, worked for one or other of the security services. At a time when there is much talk of reconciliation it would be fitting if the British were to co-operate in this matter.

With regard to the investigation in this jurisdiction, the Barron report claimed that many of the documents relating to the Dublin and Monaghan bombings have been lost or destroyed. The inquiry was not able to see the security file on the Dublin bombings, for example, and there are no files on the UVF and UDA for 1974 and 1975, while there are files for all other years. According to the Barron report, the commission was not given any explanation for their



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disappearance nor was it allowed to see the files on the Dublin bombings on 1 December 1972, which led to the introduction of the Offences against the State (Amendment) Act 1972, and which, it is strongly suspected, was carried out by British intelligence agents.

It is also worth remembering that on the day the Offences Against the State (Amendment) Act 1972 was introduced, the Government was on the verge of falling were it not for the intervention of the then leader of the Fine Gael Party, former Taoiseach Liam Cosgrave. The bombings in this city on that day prompted him to support the Fianna Fáil Government.

Apart from the missing files, the report states:

The Garda investigation failed to make full use of the information it obtained. ... The Government of the day showed little interest in the bombings.

Why this was so must also be the subject of an inquiry. It is vital that there be an investigation not only into the events referred to in the preface to the report, but also into all incidents that took place within this State from 1969 onwards—

**An Leas-Cheann Comhairle:** Deputy Ellis must conclude his remarks because Deputy McLellan is to contribute.

**Deputy Dessie Ellis:** —cúpla nóiméad eile — where there is strong evidence of involvement by the British military and intelligence services.

It is also necessary to examine the killing of John Francis Green and subsequent evidence given by members of British military intelligence at that time that they were directly involved in that killing.

Furthermore, the Littlejohn brothers, self-proclaimed British agents, were at that time acting at the behest of British intelligence. There are hints of this in the report, with references to British military personnel seen in Dublin at the time of the December 1972 bombings and immediately prior to the May 1974 incidents. Another British officer was found in possession of weapons in Dublin on the day of the bombings.

**An Leas-Cheann Comhairle:** There are only two minutes left. Would Deputy Ellis conclude his remarks as Deputy McLellan must speak.

**Deputy Dessie Ellis:** The key—

**An Leas-Cheann Comhairle:** I am sorry, I must call on Deputy McLellan if she is happy to speak.

**Deputy Dessie Ellis:** I thank the Leas-Cheann Comhairle.

**Deputy Sandra McLellan:** I welcome the opportunity to speak on this important matter this evening. It is impossible not to mention the significance of this debate occurring on this date, 17 May 2011, the 37th anniversary of the Dublin and Monaghan bombings and the first day of the British monarch's first visit to the State. The timing is highly insensitive, but that the visit has the potential to play a significant role in uncovering the truth has not been lost on the survivors and the bereaved.

We in Sinn Féin are for a new relationship between the people of Ireland and between the people of Ireland and Britain, a relationship based on equality and mutual respect. Legacy issues pertaining to the troubled shared history of these islands must not be forgotten or ignored. They must be dealt with in an honest, truthful and mature manner. It is of vital

importance that the past is dealt with and a mechanism found which treats all victims equally and allows families of victims an avenue of acknowledgement, apology and, above all, truth.

The atrocities that occurred in Dublin and Monaghan on this day 37 years ago serve as a constant reminder of that troubled history. They led to the greatest loss of life in a single day in the recent conflict as 34 innocent people, including an unborn child, were murdered. Many more were maimed and injured mentally and physically. Families were robbed of loved ones. As a mother of three, I cannot imagine the heartache caused at hearing the news that one's child would not be coming home. Every life lost caused so much hurt. I have no doubt the families of the victims of these atrocities are as hurt today as they were 37 years ago.

The report exposed the refusal of the British authorities to co-operate with a commission of inquiry established by the Oireachtas. The sub-committee of the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights stated:

[We are] left in no doubt that collusion between the British security forces and terrorists was behind many if not all of the atrocities that are considered in this report. We are horrified that persons who were employed by the British administration to preserve peace and to protect people were engaged in the creation of violence and the butchering of innocent victims.

**Minister for Justice and Law Reform (Deputy Alan Shatter):** I wish to share time with Deputies Robert Dowds and Joe McHugh.

I wish to start by stating that like previous speakers I welcome the bereaved relatives of the victims of the Dublin and Monaghan bombings of 17 May 1974. I know the Taoiseach met them relatively recently and earlier today in the House he repeated his commitment to raise this issue when he meets Prime Minister Cameron when he visits the State this week.

I welcome the opportunity to speak on the motion. This debate takes place on a particularly historic day. We saw history made as a British monarch travelled for the first time to an independent Ireland. I had the privilege of greeting Queen Elizabeth in the Garden of Remembrance and being present when she laid a wreath in memory of Irish patriots who gave their lives to secure Irish freedom from Britain. It was a sight that even a few years ago would have been unimaginable. It is right also to acknowledge the powerful symbolism of our President, Mary McAleese, and Queen Elizabeth standing to attention as the Army band played the national anthems of both our countries. The events of today are a poignant and significant reminder of just how intertwined is the history of our two countries.

I know the vast majority of people in our State welcome Queen Elizabeth and Prince Philip as our visitors and guests and also welcome the enormous changes that have taken place on this island. The spirit of reconciliation and friendship can be starkly contrasted with the violent and destructive conduct displayed by a small number of unrepresentative and self-appointed groups who wish to turn back the clock to a past no reasonable or thinking person wishes to revisit. It is regrettable that the threat posed by this small number of individuals who have no respect for the democratic will of the Irish people required that a major security operation be mounted for the protection of our distinguished visitors and to ensure today's events and those planned for the rest of this week occur without disruption. I have little doubt there are thousands of Dubliners who would have preferred to be on our streets on this historic day to welcome our visitors rather than have only the opportunity to view the day's events on their television screens. It is entirely unacceptable that the threat posed by the conduct of a tiny minority prevented this being possible.

[Deputy Alan Shatter.]

On Dorset Street in Dublin this afternoon, we witnessed thugs throwing rocks, bottles and missiles at members of the Garda Síochána. An Garda Síochána and our Defence Forces have also had to rapidly respond in recent days to reports relating to various devices being placed in different locations and to hoax bomb threats. I want, in particular, to put on the record my congratulations and thanks to the Garda Commissioner and the Chief of Staff and all of the members of An Garda Síochána and the Defence Forces who have prepared for this historic occasion and with great competence and dignity fulfilled their duty. All Members of the House should express their pride in both An Garda Síochána and the Defence Forces and in the manner in which they have conducted themselves.

The subject of tonight's debate is of course another reminder of the tangled and tragic history of our two islands. In 1974, 37 years ago today, and just a few hundred yards from where we speak, three bombs exploded as people around Dublin were making their way home from work and looking forward to the weekend. I well remember the mayhem and carnage that night as I was sitting in a library in Trinity College and heard the bombs go off and witnessed their aftermath. Around 90 minutes after the Dublin bombs exploded, another bomb exploded outside Greacen's pub in Monaghan Town. Some 33 people lost their lives and an unborn baby was denied the chance to live. More than 100 people suffered injuries. The families who were bereaved, and those who were injured, bear some scars which can be seen and others which they have borne with quiet dignity since that day. Thirty seven years have passed and in some cases the pain may have eased, but it has not gone away. They still rightly have questions about what happened to their loved ones, about why it happened and how it happened. Other families who lost relatives in other attacks in the years between 1972 and 1986 were also left with questions which remained unanswered.

As the House is aware, the painstaking and detailed work of the late Mr. Justice Henry Barron provided the families with some of the answers they sought and, as was mentioned, a joint committee of the Oireachtas provided the families with an opportunity to have their voices heard. Anyone who heard their accounts or has read them since could not fail to be moved. A considerable amount of light was shed on what happened but vital questions remain unanswered.

As this motion recalls, in July 2008, the House unanimously urged the British Government to allow access to documents. To date this has not happened. I know many Deputies in the House have raised this issue with our counterparts in Westminster and they will continue to do so. Since this Government took office, the Tánaiste has raised the issue with the Secretary of State for Northern Ireland at their first meeting in Dublin last month. As I mentioned, the Taoiseach will also raise this matter with Prime Minister Cameron tomorrow, as he has done in previous meetings.

Speaking in this House on 21 May 1974, the then Taoiseach, Liam Cosgrave, stated, "nothing I can say will adequately describe the feelings of shock and horror caused by the destruction of human life and hope." Unfortunately the shock and horror witnessed in Dublin and Monaghan on 17 May 1974 did not start on that day and did not end until 1998. Too many families across this island and in Britain suffered the loss of a loved one. Too many people were seriously maimed and injured and have never fully recovered. More than 3,600 people's lives were cut short. In 1998, in referenda North and South on the Good Friday Agreement, the overwhelming majority of the people who share this island said loudly and clearly that the violence had to stop. They said that no other families should suffer the pain and misery of losing a loved one.

Dealing with the legacy of the past is not an easy task and no simple formula of words can put things right. Families from all sectors of the community on this island and in Britain suffered loss. Many families still have questions that they want answered. Mechanisms are currently in operation in the North which are attempting to provide some of these answers for families but we must be aware that no single mechanism or solution will be acceptable or effective for all families. The Government re-commits itself to working with our partners in the British Government and with our colleagues in the newly constituted Northern Ireland Executive to address the legacy of the Troubles. It will not be easy or quick, but it is a challenge that we must and do accept.

This week's visit of the Head of State of our nearest neighbour is an historic occasion. Let me say clearly, on behalf of the Government and the great majority of the Irish people, how very welcome she is.

It would be wrong to imagine that the huge symbolism of today's wreath-laying ceremony in the Garden of Remembrance and tomorrow's ceremony at Islandbridge can dispel completely the complex legacy of the Troubles.

The party which has sought to raise this matter during Private Members' business tonight will know more than most that the bitterness which still lingers at many of the deadly activities in which the Provisional IRA engaged is unlikely to be dispelled in some cases for generations. It is easy for us to advocate reconciliation and forgiveness, but the pain of the bereaved has, understandably in some cases, made a stone of the heart. There are concerns, too, about the behaviour of other parties to the conflict, in particular that the full truth behind horrific events has not been fully established.

As we move forward towards a better future for all the people who share this island and those who live on the neighbouring island, we will not forget those who died, were injured and mourn them. In the Good Friday Agreement we recognised that "victims have a right to remember as well as to contribute to a changed society". As Members of this House, we have a duty to remember. In that remembering of those who died and in our recognition of those who mourn we have a duty to continue to contribute to a changed society. The visit taking place this week is a contribution to that changed society.

Last month we saw the family and friends of a young police officer, Ronan Kerr, mourning the loss of a cherished son and brother. I was present at that funeral, as were many others from all parts of this island. The Taoiseach who attended the funeral met Ronan's mother, Nuala, and extended the heartfelt sympathy of all of us to her. The funeral cortege showed the world images of a new reality in Northern Ireland. GAA members bore the coffin of a fellow player and passed it on to his fellow police officers. The dignified, yet harrowing pictures of the family as it dealt with its loss were difficult to watch but important to see.

In their invitation to members of the public to join them at their annual wreath laying ceremony at the memorial on Talbot Street the families of those who were killed 37 years ago asked that no flags, banners or emblems be displayed. I believe they wish their fellow citizens to join them in quiet remembrance of 34 lives lost, not to make a political statement but to show that those lives are not forgotten, that their pain is recognised and that their story is heard. On that monument names are carved in stone for all to see, but the pain that the families bear is not always so visible.

In the Good Friday Agreement all the participants recognised that "the achievement of a peaceful and just society would be the true memorial to the victims of violence". We have made significant strides in recent years, in recent days even. The newly appointed Executive in Stormont followed an election in which the people in the North clearly rejected the violent

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alternative to a shared and better future. The previous Assembly served its full term of four years during which we saw the devolution of policing and justice powers to Northern Ireland. A tiny minority do not accept the clearly expressed will of the electorate and continue to ignore the clear and unambiguous message given in 1998 by voters all over this island that violence was not the way forward.

The families of those killed in Dublin and Monaghan on 17 May 1974 gathered in Dublin this morning to remember their loved ones and others who had lost their lives on this side of the Border. As they did so, a bomb disposal van belonging to the Defence Forces sped down Amiens Street on its way to deal with a device — a chilling reminder that the carnage wrought in Dublin and Monaghan in 1974 is something that others would seek to wreak on this city today. I trust that everyone in this House will condemn those who sought to disrupt today's events and seek to drag us back to a violent past.

This all-party motion represents an opportunity for us as elected representatives in the Dáil to send a clear message to our counterparts at Westminster. It is welcome that it is an all-party motion and not a matter of contention in this House; in a sense it replicates the principle in a motion previously tabled on an all-party basis and supported by all sides in this House. In so doing I hope we can also send a clear message of solidarity to the families who gathered in Dublin earlier today, some of whom are represented in the Visitors Gallery.

**Deputy Robert Dowds:** On behalf of the Labour Party, I welcome the relatives of those who lost their lives in the Dublin and Monaghan bombings in 1974 who are in the Visitors Gallery. I remember that day because I was fortunate enough to be ill. I heard the bombs go off, but I was not where I was meant to be — right beside where one of the bombs went off. Therefore, I empathise with the feelings of those who suffered on that day.

Obviously, I speak in favour of the motion on the Dublin and Monaghan bombings. With the relatives who remember the victims, I also salute my colleague, Deputy Joe Costello, and the late Tony Gregory who consistently remembered this anniversary when many of us tended to forget it.

It is to be regretted that the British Government has not complied with the request for access to the documents it holds on the atrocities committed on 17 May 1974 in which 33 innocent people and one unborn person perished. For the sake of the families of those whose loved ones were killed on the day and those who live with injuries from that day, it would be good to have closure to these appalling events. Access to the documents would shed some light on what happened and put to bed the issue of whether there was collusion between British forces and loyalist terrorist groups. While such information might not have as stunning an impact as David Cameron's unexpected full apology for the events of Bloody Sunday in Derry, it would have a major impact for the better. It might even lead to a further apology from the United Kingdom. I understand the Tánaiste and Minister for Foreign Affairs and Trade, Deputy Eamon Gilmore, has had conversations with the British Foreign Secretary, Mr. William Hague, and gather there is open dialogue. I understand he has also met representatives of Justice for the Forgotten. They are hopeful signs which I hope will yield success for those looking for answers.

I concur with the Minister about the trouble on the streets today, the details of which are only coming to my attention. It is greatly to be regretted because the British monarch is the head of state of our nearest neighbour. While we have a tangled relationship with our neighbouring country, it is appropriate that she should be welcomed wholeheartedly on her first visit to the Republic. It is very important that we send the message that past disputes between our two countries are buried. I look forward to a time when a visit by the British monarch will be

treated in the same way as a visit by the Queen of Denmark in order that those who wish to view what is going on can do so easily and those who do not can ignore the event.

It is appropriate the motion has been included in the Order of Business today given the date that is in it. I say to its movers that, in many respects, the Dublin and Monaghan bombings were a response to the deadly activities of Sinn Féin and the IRA in the 1970s. I am very glad Sinn Féin has moved towards a situation where others and I in constitutional parties can work closely with it.

**Deputy Joe McHugh:** I acknowledge the presence in the Visitors Gallery of relatives of the victims of the Dublin and Monaghan bombings on 17 May 1974, a day when the greatest loss of life in a single day of the Troubles occurred. I also commend Justice for the Forgotten on its ongoing efforts. I first made contact with it when I was a Member of the Seanad in 2002. The progress of its members and their journey has been a difficult one in dealing with their personal losses and trying to create a positive agenda of reconciliation and truth, not just in respect of the specific incidents but for a plethora of incidents over the years. I acknowledge the comments by the Taoiseach, who said he will make this a matter of priority in communication with the British Prime Minister this week. The Minister for Justice and Equality has reiterated the commitment by the Government to continue the ongoing dialogue to ensure we get access to records.

The major question is how to address all the pain. How do we address the hurt on all sides, including the Bloody Sunday incident in Derry, the Omagh bombing or Greysteel in a cumulative way and address in an individualised way the individual hurt in circumstances that are so different? The consultative group of Dr. Robin Eames and Denis Bradley aspired to bring together all of these elements and set out a series of targets and strategies. Unfortunately, that report will only be remembered for the recognition payment of €12,000, which was a sensitive element of the report that was not accepted. This points to the fact that this is not just about remuneration but goes much deeper. Whether we are looking at an independent legacy commission or, as Deputy Adams pointed out, a truth commission, a formula must be devised that is totally inclusive, open and transparent.

The symbolism of today's visit may be overstated but I do not overstate it because it is part of an ongoing journey of reconciliation. It is an acknowledgement of all the work across all of this island over recent years. I refer to the peace and reconciliation forum and the major work at community level through Co-operation Ireland, the International Fund for Ireland, INTERREG and all the bodies working with the single intention of having a more peaceful community and creating a reconciliation forum to create the environment where people from different backgrounds can live together and accept diversity that is so rich in this country.

I acknowledge the work that has led to today. What is significant about today is that it is part of an ongoing journey of reconciliation between the United Kingdom, the Republic of Ireland and Northern Ireland. To build upon this is the next chapter. I am conscious that complacency could creep into the east-west and North-South collaboration. Such advanced movements have been made since 1998 with the Good Friday Agreement and matters having evolved to the point that we can move on. I am a firm believer that to know where we are going, we need to acknowledge and accept what has happened in the past.

With that in mind, I wish to record the massive challenges in respect of sectarianism. That is still in existence and a number of new peace walls have been built since the Good Friday Agreement. There are too many peace walls between interface areas and that type of sectarianism is a challenge. It manifests itself in many ways, including in sports through the Northern

[Deputy Joe McHugh.]

Ireland football team and Rangers and Celtic matches. That sectarianism is the next big challenge as a community on a cross-Border and east-west basis.

The next Joint Committee on the Implementation of the Good Friday Agreement must be all-inclusive. For five years, as some newer Members may be aware even though they were not part of this House, we did not have Unionist representation on that joint committee. We must work together on a cross-party basis to ensure it happens. Deputy Ó Caoláin is on record as being in agreement with that point. The British-Irish Parliamentary Assembly is another forum that should have targets and an agenda rather than meeting two or three times a year and discussing issues relevant to the day. Perhaps we should have more proactive engagement on that level because it is contained in the Good Friday Agreement for east-west co-operation and collaboration. I acknowledge the symbolism of today's state visit from the Queen. It is part of an ongoing journey of collaboration and co-operation. I look forward to continued collaboration on a North-South and east-west basis.

**Deputy Seán Ó Fearghail:** I propose to share time with Deputy Brendan Smith. In the limited time available to us, we are happy to have the opportunity to address this important motion and to indicate the Fianna Fáil position on it. We welcome those in the Distinguished Visitors Gallery. I commend the Sinn Féin Deputies on tabling this motion. It is a welcome development that we have unanimity on the form of this motion. It is appropriate we discuss the Dublin and Monaghan bombings today, given the circumstances that prevail, and that we remember those who lost their lives in that appalling tragedy.

Some 37 years ago today, after a series of no-warning car bombs exploded on the streets of Dublin and Monaghan, 34 people, including an unborn baby, lost their lives and more than 300 people were injured. Many of them bear the scars today. It was a day of absolute carnage and horror. It was the greatest loss of life in a single day in the whole period of the modern Troubles on this island, which saw many events that brought shame and disgrace on us all.

What occurred in Dublin and Monaghan was no tragic accident. It was a premeditated and callous act of mass murder. It was a heinous act of terrorism that no one old enough to remember that black day will ever forget. That nightmare is still printed on the minds of many innocent Irish citizens. The victims — those who lost their lives and those who sustained injuries — as well as their families, have suffered greatly because of an evil and senseless act of terrorism.

As a State, a people and a community, we have a responsibility to show solidarity with these innocent victims and do our utmost to bring about closure for them after many years. No one has been prosecuted for the atrocities committed in Dublin and Monaghan. Some 37 years on, we do not have the truth. We are in a new era that has seen a transformation of relations on this island and with the neighbouring island. Today's visit of Queen Elizabeth II underlines that fact and I welcome her arrival here. It is of enormous significance and is a visit entitled to our total and absolute support. This new era is one of reconciliation, good will and trust. It is in this spirit that we believe the British Government should now act and ensure disclosure of its files on the Dublin and Monaghan bombings.

The Irish Government commissioned an investigation into the bombings, led by the Mr. Justice Liam Hamilton of the Supreme Court and, subsequently, by Mr. Justice Henry Barron. Both men are now deceased. The report criticised the British Government's "surprising" refusal to allow access to its files. I say without hesitation that it is totally wrong and shameful that the British Government continues to sit on and not share any information it may have on these atrocities. It is not acceptable. The issue must be addressed. It is our sovereign duty to raise

this on behalf of the innocent citizens who were caught in this atrocity, and we must continue to insist that it be addressed.

The Ulster Volunteer Force claimed responsibility for the attacks in the early 1990s but the murky hand of British intelligence has long been suspected of involvement. Mr. Justice Barron's report was presented to an Oireachtas joint committee on justice, which formed a sub-committee to deal with the matter. I was very pleased to be a member of that sub-committee. Among the findings of the sub-committee were that we were dealing with acts of international terrorism where there was collusion by the British security forces. This is undoubtedly a black mark against the British state, and one with which it has an obligation to deal.

Fianna Fáil commends the courageous campaign for truth waged relentlessly for many years by the Justice for the Forgotten group. Fianna Fáil is happy to have contributed to the cost of publication of an open letter published yesterday in *The Irish Times* calling on Queen Elizabeth II to use her influence in this matter. Justice for the Forgotten has appealed to the British Prime Minister, through Queen Elizabeth II, to mark the occasion of this welcome and historic visit with a genuinely significant gesture of reconciliation by opening the files withheld from Mr. Justice Henry Barron. In Fianna Fáil we believe this should be done promptly without precondition or delay.

We agree with Justice for the Forgotten that should the royal visit include confirmation that British files relating to these atrocities are to be made available, it would in itself represent a further significant boost to the peace process. It would underpin and build on the goodwill and strengthening of reconciliation that has sprung from the courageous and welcome manner in which the British Prime Minister Mr. Cameron addressed the issue of Bloody Sunday on coming into government. We should all remember that the Good Friday Agreement obliges all of us "never to forget those who have died or who have been injured in the Troubles." The victims deserve closure and most of all they deserve to know the truth.

The British Government does not have the moral right to be impervious to this call for justice and this evening's motion has its genesis in an all-party motion put before the Houses by a predecessor of mine as Fianna Fáil Whip, then Minister of State at the Department of the Taoiseach, Mr. Pat Carey. The motion was passed unanimously by the Dáil on 10 July 2008 and it is no harm to commit it to the record again this evening. The motion urged "The Government of the United Kingdom of Great Britain and Northern Ireland should allow access by an independent, international judicial figure to all original documents held by the British Government relating to the atrocities that occurred in this jurisdiction and which were inquired into by Mr. Justice Barron, for the purposes of assessing said documents with the aim of assisting in the resolution of these crimes;". It continued and directed "the Clerk of the Dáil to communicate the text of this Resolution, together with copies of the aforementioned reports, to the House of Commons of the United Kingdom of Great Britain and Northern Ireland, with a request that the matter be considered by the House of Commons".

The British Government has continued to ignore this reasonable request for access to information held by it and that is not good enough. It is intolerable and disrespectful to this sovereign Parliament and it is something this House will not give up on. Members on all sides of the House are unanimous in the matter. In supporting today's motion, we strongly urge the British Government once again to open the files that were withheld from Mr. Justice Henry Barron's inquiries into the Dublin and Monaghan bombings and all other cross-Border bombings perpetrated in this jurisdiction.

Fianna Fáil will continue to work constructively to assist the victims and families of those who lost their lives in Dublin and Monaghan in 1974 and we will do our utmost to help bring closure to those affected by this terrible atrocity. Our leader, Deputy Micheál Martin, raised this matter in the Dáil on a number of occasions directly with the Taoiseach and by parliamen-



[Deputy Seán Ó Feargháil.]

tary question; more recently he wrote to the British Ambassador, Mr. Julian King, urging him to address the matter with his government on our behalf.

The loss of life from these bombings was the highest from any event during the Troubles but nobody has ever been prosecuted. The Dáil unanimously passed a motion calling on the British Government to make its files on the bombings available, as Deputy Martin indicated in his letter to the ambassador. Deputy Martin continued “Confirmation of a decision to open the files in conjunction with the Queen’s visit would be a significant gesture of reconciliation, would build on the very positive and productive work that has already been done in this area to date, and would only serve to strengthen the ties between our two countries.” Deputy Martin concluded the letter by indicating that he looks forward to discussing the matter with the ambassador, and I am sure that will happen in due course.

We cannot turn back the clock but we can show solidarity with the victims by helping them in their pursuit of truth. The peace process has taught us that we will not build peace by sweeping the truth under the carpet as this only creates mistrust, suspicion and anger. We must face the reality of what happened on this island during the Troubles; if we deny the past or cover it up, we will never be able to learn from it and move on. The peace process underlines the importance of openness, co-operation, mutual respect and trust. These are virtues that will foster and strengthen peace and reconciliation. The Queen’s visit over the next few days is part of the process and it is in this spirit that we point out that it is high time the British Government made the files available.

**Deputy Brendan Smith:** This is an important debate and I am glad to be able to contribute to it. It is important for so many families which have suffered so much for so many decades. It is also important for Irish society. I hope the British Government will take proper and immediate account of the contents of this motion, which has the full support of the Oireachtas.

In July 2008 we had the opportunity in this House to agree a motion that was forwarded to the British House of Commons. That motion followed the interim and final reports of a sub-committee of the Oireachtas joint committee on justice. The work of that sub-committee concerned itself with the report of the independent commission of inquiry into the Dublin and Monaghan bombings and the three related Barron reports. This debate concerns atrocities which were perpetrated on innocent people. The bombings in Monaghan and Dublin caused the greatest loss of life in a single day during that period known to all of us as the Troubles. The least all of us can do is to remember those who lost their lives and others who have suffered so much through injury and the loss of loved ones. These people have vigorously sought the truth surrounding those tragedies.

Families must know the truth about what happened and that is the reason it is essential for progress to be made on the request made by this House in July 2008 as referred to by my colleague. I realise that the pain of many families will not be eased in any way without the finalisation of all appropriate reports and investigations and the administration of justice. Unanswered questions continue to contribute to that pain.

The Oireachtas sub-committee, under the chairmanship of former Deputy Seán Ardagh — and on which Deputies Ó Feargháil and Finian McGrath were very active — did excellent work. I recall listening to those debates and remember in particular the testimonies made to the sub-committee by many family members. In a previous Dáil debate on the sub-committee’s report, I stated that it was very regrettable and unacceptable that those awful tragedies of 1974 were not comprehensively investigated at a much earlier time. In 1998, the then victim’s commissioner, the late Tánaiste Mr. John Wilson, recommended that an inquiry be undertaken into those tragedies. Those victims and their families had every reason to believe that the State abandoned them for many years and they have endured such pain and loss.

Subsequently the inquiry process commenced and the former Chief Justice, Mr. Hamilton, and Mr. Justice Barron carried out detailed and thorough work. I commend the work of the Justice for the Forgotten group, as its efforts over many years have been painstaking and deserve great credit.

Mr. Justice Barron compiled a comprehensive report and it is obvious to all that not minimum but maximum co-operation from the British authorities is required to ensure the truth is achieved. One telling comment from Mr. Justice Barron is:

Correspondence with the Northern Ireland office undoubtedly produced some useful information but its value was reduced by the reluctance to make original documents available and the refusal to supply other information on security grounds. While the inquiry fully understands the position taken by the British Government on these matters, it must be said that the scope of this report is limited as a result.

Such comments from Mr. Justice Barron clearly demonstrate that the necessary co-operation was not forthcoming from the British authorities. I refer again to the work of the sub-committee; listening to people who gave evidence before that sub-committee repeatedly brought home to us the terrible pain and suffering inflicted upon so many and the absolute futility of violence.

The essential aim of any inquiry must be to find the truth. I requested the then Taoiseach, Bertie Ahern, to include the Belturbet bombing of December 1972 in the Barron report. Two young people were killed in Belturbet on that fateful night but, unfortunately, nobody has ever been brought to justice for those terrible murders. The Belturbet bombing needs to be fully investigated and access provided to all relevant papers. The O'Reilly and Stanley families continue to suffer the injustice of losing loved ones at a young age. I have known the O'Reilly family from Belturbet for many years and became acquainted with Joe Stanley and his family from Clara, County Offaly, more recently. From speaking to Mr. Stanley on Talbot Street today, it is clear that the least these people deserve is a full investigation into these atrocious crimes.

**Deputy Finian McGrath:** I wish to share time with Deputy Seamus Healy, by agreement.

**An Leas-Cheann Comhairle:** The Deputies have four minutes and 30 seconds each.

**Deputy Finian McGrath:** I welcome the opportunity to speak on this important motion of support for the families of the Dublin and Monaghan bombings and of Kay's Tavern in Dundalk. I was a member of the sub-committee established to deal with the report of the independent commission of inquiry. Having listened to the evidence presented, I believe beyond any doubt that the British security services were up to their necks in these bombings and murders. I do not say that lightly and I made my views known to the British ambassador when I refused an invitation to meet the Queen.

It is time for the British Government to treat the families of these bombings with respect and honesty by opening the files on these horrific bombings. I urge Mr. Cameron to open the files withheld from Mr. Justice Henry Barron during his inquiries into the Dublin and Monaghan bombings and the other cross-Border bombings perpetrated in this jurisdiction. All requests, including a cross-party resolution adopted by the Dáil on 10 July 2008, have fallen on deaf ears and deeply troublesome questions remain unanswered. This would be a serious matter for any parliament in western Europe. The Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights, which examined the Barron report, concluded that it was dealing with acts of international terrorism in which British security forces colluded.

I commend the families and Justice for the Forgotten for their hard work and dignified campaigning over the years. It is time for our Government to be more proactive and for the

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Taoiseach to end the dithering and wishy-washy statements to the media. It is not good enough and I want them to take a stronger line on the matter. It is time the Government pursued the truth with vigour in order to stop the hurt these families are experiencing. I ask Deputies to reflect on what they would feel if this had happened to their own families. Sitting on the fence is not an option for Members of the Oireachtas. I urge them to stand up for truth, justice and, above all, these families by asking the British Government to open these files.

Those of us who firmly believe in a democratic and independent Ireland strongly support the Justice for the Forgotten organisation and the families. I also commend the Pat Finucane Centre for all its work and support. It offered a great service to the families, the country and the people of this island, whether Catholic, Protestant or dissenter. Its pursuit of truth and justice is an example to the Oireachtas and the very least we can do tonight is support this motion and once again ask the British Government to hand over the files.

Earlier we discussed the peace process. The peace process is a healing process and it requires openness, truth and justice. I will never forget my experience on the sub-committee and the work we did on the Barron report in terms of meeting the relatives and listening to their stories. I dissented from the views expressed by other members of the sub-committee because I wanted a full independent inquiry with strong statutory powers. Politicians of the time did not shine on this issue. There was a hidden view that they did not want to rock the boat or upset the British Government. People tried to hide the issue of collusion under the carpet but the report clearly reveals that collusion played an important part in what happened in Dublin and Monaghan. Cameron apologised to the people of Derry for Bloody Sunday and I ask him to speak to the people of Dublin and Monaghan.

I welcome the families of Justice for the Forgotten and give them my commitment that I will fight to the end for truth and justice on this matter.

**Deputy Seamus Healy:** I welcome the opportunity to support this motion and commend the relatives of the victims and members of Justice for the Forgotten on the trojan work they have done to keep this matter before the public. For the past 37 years they have commemorated the victims on an annual basis. We should acknowledge the continued grief and distress experienced by the relatives and families of the victims of the various bombings. Many of them feel abandoned and they have an overwhelming desire for justice and closure. This all-party motion is important in that regard and it must be pursued by the Government until the British authorities make the relevant files available.

Many of us are aware of this ongoing grief and distress through our association with some of the families concerned. In my own case, I am acquainted with the Bradshaw family from Fethard, County Tipperary. George Bradshaw lost his life in the first of these bombings in December 1972. He was a young, 30 year old bus driver with a wife and two children. His colleague, Tommy Duffy, who was a 24 year old bus conductor, also lost his life in that bombing.

It is a disgrace that the British authorities refused to co-operate with the Barron investigation or the sub-committee which reviewed Mr. Justice Barron's report. The sub-committee concluded that it was dealing with acts of international terrorism in which British security forces had colluded. That finding was not made lightly. The sub-committee also referred to the Good Friday Agreement, which states: "The participants believe that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation." It seems impossible to reconcile the stance of the British authorities with that element of the Agreement.

As Justice for the Forgotten has pointed out, the coincidence of this visit with the 37th anniversary of the Dublin and Monaghan bombings offers an opportunity for the British Prime

Minister, David Cameron, to repeat what he did on 15 June 2010 in regard to Bloody Sunday. On that occasion he said in the House of Commons:

It is right to pursue the truth with vigour and thoroughness . . . Openness and frankness about the past, however painful, do not make us weaker, they make us stronger.

Debate adjourned.

### Adjournment Debate

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#### Modern Language Teaching

**Deputy Ciarán Lynch:** I thank the Ceann Comhairle's office for allowing me to raise this matter on the Adjournment. In 2002 the EU set a target of becoming the most competitive and dynamic knowledge-based economy in the world. In 2012 the Commission will review the progress made by member countries in this regard. When examined, Ireland may well be one of the member states scrutinised for non-implementation of the objectives set out by the Commission. Moreover, Ireland is not taking part in a current survey on language skills which will feed into a Europe-wide indicator on language competence at secondary level.

If Ireland is to have any aspiration of becoming one of the most competitive and dynamic knowledge-based economies in the world, we need to do much better in ensuring students can speak a greater range of languages. If we are truly to achieve greater social cohesion while also sustaining economic growth and the creation of jobs, education policy in general and language learning in particular are crucial. A Eurobarometer study in 2010 showed that 40% of recruiters in the industry sector highlighted the importance of language skills for future higher education graduates. Despite a slight uptake by Irish students of foreign languages in recent years, numbers are not increasing steadily enough to meet the demand from industry. There is a real risk that we are becoming over-reliant on the fact that in everyday work, English is our first and only language.

A recent document produced by the European Parliament's Committee on Culture and Education concluded that modern business is facing a complex world where a lack of language skills can represent real barriers. At present there is high demand by SMEs across Europe for multilingual speakers. However, this demand is not being met by Irish educational institutions. Conducting a job search on the website *www.jobs.ie* clearly demonstrates the requirement in Ireland for modern languages such as German, French, Spanish and Italian in banking and finance, accounting, sales and marketing, programming and information technology, customer services, legal services, and the tourism and travel sectors. Despite this, an insufficient awareness of the importance of foreign language acquisition has caused a number of language programmes at third level to be closed, including degrees in software development with French or German. Students are not being sufficiently encouraged to study languages. Many science and engineering programmes do not offer students the option to take a language at any stage of their course, even though Irish graduates with such qualifications are in high demand across Europe, North America and elsewhere. Once a programme or even a module is dropped, it is very difficult to reinstate it for budgetary reasons. It is becoming a self-fulfilling prophecy where subjects that are not encouraged are falling off the curriculum and their budgets disappearing in due course. In the case of some business degree programmes, as a direct result of modularisation, languages are competing as elective modules against other subjects and this competition is leading to a decrease in language take-up.

Foreign language skills must be promoted at third level as an essential component of science, engineering and business degrees, as well as of more traditional arts and humanities degrees.

[Deputy Ciarán Lynch.]

Work placement and study abroad programmes are experiencing cuts in funding. In response, the Government must campaign for greater funding to be allocated to work and study placement programmes, such as Leonardo and Erasmus. Furthermore, the modernisation of the leaving certificate science syllabi and other aspects of the leaving certificate programme, which are on the agenda for review of the Department of Education and Skills, must embrace foreign language acquisition as part of a strategy for economic recovery.

A report published in March by the Expert Group on Future Skills Needs states:

Where job vacancies arise, jobseekers with third level qualifications coupled with work experience and foreign language skills were more likely to be in demand by employers. This underlines the need for jobseekers to engage in upskilling and for the education and training system to continually align with the skills needs of enterprise.

If Ireland wants to talk business, we must up our game in teaching languages. The time to act is now.

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I am taking this Adjournment matter on behalf of my colleague, the Minister for Education and Skills, Deputy Quinn. The Minister is aware of the importance of promoting competence in a range of languages to support business and employment opportunities in Ireland and abroad. However, there is a range of factors which must be considered in future decisions on language education at different levels and in the context of national economic and social priorities.

The primary school curriculum provides that pupils in Irish primary schools are taught two languages, Irish and English. Modern European languages are being taught at primary level in approximately 510 schools, or 15% of all schools, as part of an initiative that was introduced in 1998. In the participating schools pupils in fifth and sixth classes are taught one of four languages, namely, French, German, Italian and Spanish. However, the National Council for Curriculum and Assessment has recommended against a further expansion of this initiative at present, citing issues of curriculum overload and difficulties relating to the replicability of the model across the system. The NCCA advice is set out in the context of the changing landscape in Irish primary schools since the primary modern languages initiative was introduced in 1998. The key factors relate to the feedback on curriculum overload, challenges highlighted in reports on language learning in Irish and English, particular issues relating to literacy in disadvantaged schools, and the new needs which have emerged in providing additional English language support for newcomer children.

The Minister's top priority is to advance a national literacy and numeracy strategy in schools and to ensure more time is spent each day on developing literacy and numeracy skills. Given the difficult budgetary position and in the context of the advice from the NCCA, there will be no expansion of the modern languages initiative at primary level in the near term.

At post-primary level there is a range of foreign languages available on the curriculum in schools which includes French, German, Spanish, Italian, Russian, Japanese and Arabic. A post-primary languages initiative is in place since 2000 with the objective of diversifying language provision in schools, focusing particularly on Spanish, Italian, Japanese and Russian. Some 81% of second level pupils study three languages — Irish, English and a continental language — to completion of upper second level, and more than 70% of schools offer two foreign languages or more. Indeed, given entrance requirements for many universities, studying a language is effectively an obligatory requirement, and this is an issue that may need reconsideration in the light of the economic imperative to encourage more students to study the physical sciences at senior cycle.

The Minister is aware of the demand for expansion of the range of languages on offer in post-primary schools, particularly Mandarin Chinese and Polish. However, sustained and continued cumulative reductions in public expenditure will be essential over the coming years to at least 2015, allied with further reductions in public sector numbers. Of necessity this will constrain the degree to which curricular reform can be promoted within schools. The Government is prioritising an agenda of curriculum reform in science and mathematics and improving innovation capacity in second level schools. The funds available in this difficult budgetary context do not allow for the inclusion of additional languages in the curriculum at present. However, the matter will be kept under review. To the extent that it is possible to expand provision into new languages, consideration will also have to be given to discontinuing some existing languages and re-orienting provision towards the languages of more strategically and economically important countries.

Students at third level have access to a wide range of foreign language courses which can be taken as core subjects or in combination with a range of other disciplines. In 2009-2010, 5,200 students were enrolled on programmes with a foreign language component, an overall increase of 16% since 2007. In the institute of technology sector, the IoT Languages Strategy Network is adopting a proactive approach to language learning and training and aims to foster greater inter-institutional collaboration for languages in the sector. The Erasmus study abroad programme has seen an increase in the numbers of students who have taken a study visit or placement abroad. In addition, a wide range of postgraduate and honours degree level programmes in Chinese is offered in the higher education sector.

The new higher education strategy emphasises that institutions must actively engage with stakeholders in the communities they serve and this will be a key priority for implementation. My Department and its agencies will continue to engage with industry to ensure the education system responds in so far as is possible to the emerging needs of enterprise in this area. I thank the Deputy for raising this matter.

### **Hospital Services**

**Deputy Michael Healy-Rae:** Last week I tabled a parliamentary question to the Minister for Health and Children on the construction of our new community hospital in Kenmare, County Kerry. I was disappointed with his reply, which was that this is a matter for the Health Service Executive, HSE. With all due respect, this is nonsense. I really appreciated the new workman-like approach of the new, Taoiseach, Tánaiste and Minister for Foreign Affairs and Trade and their Ministers. I did not expect a new Minister to do exactly what he criticised his predecessor for doing, that is, hiding behind the HSE.

This matter is of national importance. While Kenmare hospital is important to me and to my constituents, there is a bigger national issue. Will the new Minister in future when asked health-related questions hide behind the HSE? I genuinely hope that he will not and I hope the reply I received last week will be a one off. Surely the buck stops on all health matters with the Minister for Health and Children. All I want is straight answers to straight questions with no messing around. I thought we had moved away from that type of political gerrymandering. I expect more from the new Government, which I hope will be forthcoming. The people voted for change in the recent general election and the Government parties are doing their best given the dire financial situation in which we find ourselves but it does not look good when a Member of this House asks a straight, honest question and cannot get a straight, honest answer.

We are fortunate in Kenmare that over the years we had an excellent matron who had an excellent staff running a great community hospital. We have a new matron who again is highly respected in the community, as are the staff who work with her. The ambulance personnel provide an invaluable service covering a wide hinterland and they have to be complimented

[Deputy Michael Healy-Rae.]

on their excellent local knowledge and their impressive response times to incidents in the town and its environs. Our hospital is very important to us.

I acknowledge the work done on this issue by my father, former Deputy Jackie Healy-Rae, and the commitment of the previous Government. The then Taoiseach included the construction of a new community hospital in Kenmare in the capital programme for 2010. This project did not fall out of the sky. It was lobbied for but there was a genuine case for a new community hospital. It had been prioritised by the HSE previously and it was debated at meetings I attended with the HSE. It was put forward as a priority.

Since then the project has progressed, planning permission has been granted, drawings completed and contracts are all in order. Considerable funding has been expended. The people of Kenmare and its environs have waited for construction to start for long enough. In 1999 when I started out on the old Southern Health Board, the first motion I tabled at the first meeting I attended was to prioritise an new extension for the hospital. Little did I think all those years ago that I would be standing in the House tonight still looking for the same thing — a fair deal for the people of Kenmare and its environs. I acknowledge the HSE's work on this project, in particular, that of its local management in County Kerry who committed to prioritising a new community hospital for Kenmare.

There is not a family in the locality that has not been affected in a positive way by the excellent care given by the matron and staff in the hospital. They deserve a new hospital, as do the people, and if it is provided, the capital expenditure involved will be minuscule when compared to the service that will be provided for many years to come. I sincerely call on the new Government and the Minister to allow construction to go ahead. I thank the Minister of State for taking the matter on behalf of the Minister and I hope he will give a positive response without hiding behind the HSE. That is not what Members or the people expect from the new Government. We expect much better.

**Deputy Ciarán Cannon:** I am taking this matter on behalf of the Minister for Health and Children. I thank the Deputy for raising it. This provides me an opportunity to update the House on this matter and to outline the position, especially in regard to the handling of parliamentary questions by the Minister for Health and Children. Approximately 6,000 parliamentary questions are tabled each year to the Minister, of which approximately 60% relate to operational issues, which are referred to the HSE for direct reply to Deputies. These questions refer to individual patients and day-to-day operational matters. The HSE is a statutory body with its own Vote and Accounting Officer and is statutorily responsible for operational matters in the health service. There is a commitment in the HSE's 2011 service plan to answer 75% of the referred questions within 15 working days.

A number of initiatives have recently been undertaken by the HSE to help improve response times to parliamentary questions. These include the introduction of a new IT system — due to go live shortly — the appointment of regional co-ordinators and the introduction of a dedicated web page for Oireachtas Members. The programme for Government contains a number of commitments to improve the way parliamentary questions, Adjournment debates, and so on, are dealt with. I expect that these initiatives will be progressed across all Departments in due course.

Since taking up office, the Minister has decided that parliamentary questions relating to operational issues of national scale or importance will be answered by him or the relevant Minister of State rather than being referred to the HSE. Whenever possible, these questions will be answered on the relevant sitting day. Where this is not possible because the information is not readily available, a reply will be issued as soon as possible thereafter. The Minister made it clear that he has ultimate accountability for the health services. However, this does not mean

local service managers can abrogate their responsibility and accountability for local operational matters. Deputies will appreciate, therefore, that a balance has to be struck between local responsibility and the Minister's ultimate accountability.

With regard to Kenmare Community Hospital, a tender process has been conducted by the HSE and planning permission received. Contracts have not yet been signed with the successful bidder. Capital developments such as the proposed community nursing unit at Kenmare, County Kerry, must be considered in the context of the overall HSE capital plan. This is a multi-annual programme which is developed over a rolling five-year period. In drawing up its capital programme for the current 2011-2015 period, the HSE is required to prioritise capital infrastructure projects within the overall capital funding allocation.

Given the contractual commitments in place, limited funding will be available for new contracts before 2014. The HSE has submitted its draft capital plan for the period 2011-2015. It is essential to assess all projects on their merits, other than those where existing contractual commitments are in place, to ensure the limited capital funding available goes to developments of the highest national importance. This draft plan is under consideration and requires the approval of my colleague, the Minister for Health and Children, together with the consent of the Minister for Finance. Details of the plan will be published by the HSE following its approval.

### Health Services

**Deputy Bernard J. Durkan:** I thank the Ceann Comhairle for affording me the opportunity to raise this issue which has been the subject of much debate and parliamentary questions in recent days. It relates to one of the symptoms that needs attention — no pun intended — in the delivery of health services. It concerns a dental service put in place to meet a local need at a time when it was decided that the persons whose interests should primarily be served were potential patients. This was done at a time when very few financial resources were available. It was a good decision to meet the needs of people in the area concerned by the delivery of services from the centre to the locality where they were needed. Unfortunately, however, a decision was made, not by the Minister but by the HSE, that the service would be phased out and relocated to a central location. As one who opposes the concept of centralisation, I view this decision as a retrograde step.

I accept it may not be possible to reverse the decision at this stage, but I call on the Minister to address the issue and take full control of it himself. He has committed to doing so. I welcome the decisions taken already that the HSE will no longer be the master of its own destiny in the sense that the funding it receives comes from the Exchequer and that it has a responsibility not only to this House but to the people also. I do not wish to delay the House other than to say this service is vital. It has been well supported by the local community. There is no reason to make this the decision on its removal other than the internal play-acting that usually occurs in large organisations when they want to be seen to, allegedly, be making savings, the net results of which are highly questionable.

I ask the Minister of State to give some indication as to what is likely to happen because, far from witnessing a reduction in services in the area concerned, there is a need for enhanced services. I was appalled recently to find that the decision-making layer within the HSE had made decisions about the delivery of services in this rural area. Some of the decisions made do not provide for the continuation of services in place since the 1950s. That is what is called rationalisation. Rationalisation in that fashion means the end product is a reduction in services for the people who must be served first. Services are not provided for the benefit or convenience of those providing them, the HSE or administrators. They not provided for anybody other than members of the general public whose interests must be served first.



[Deputy Bernard J. Durkan.]

It would be hugely beneficial, not only from the point of view of the community in Carbury or Derrinturn in my constituency but also for other areas throughout the country, if this issue was addressed once and for all. Let us determine who dictates policy. Is it the taxpayer, the Minister who provides money for an outside body or quango, or somebody else, some administrator who considers he or she has a critical role to play and that he or she can make waves where nobody else can? There is a unique opportunity for the Minister of State to give some indication as to who wields power.

**Deputy Ciarán Cannon:** I am taking this Adjournment matter on behalf of my colleague, the Minister for Health and Children, Deputy James Reilly.

I am happy to have the opportunity to address the issue of the provision of dental services at Derrinturn Health Centre, County Kildare, as raised by Deputy Bernard Durkan. The service provided has operated approximately two days per week. Up until now it has been provided on a part-time basis by a dentist from Naas clinic. To ensure the most efficient and effective use of staff and resources, the HSE took the decision to centralise the service in Naas. This measure will ensure adequate emergency and routine services are provided for children in a timely fashion. Centralising the resources and eliminating a dentist's travel time will ensure more time, resources and facilities will be available to treat local schoolchildren.

The schools, parents and local services have been informed of the move. I emphasise that the service is not being discontinued; rather it is being relocated to Naas. Services for other schools in the vicinity have previously been moved to Naas. Parents and children have been very satisfied with the services subsequently provided for their care.

### **Air Services**

**Deputy Tony McLoughlin:** I wish to share time with Deputy Paudie Coffey.

**Acting Chairman (Deputy Joanna Tuffy):** The Deputies will have two and a half minutes each. Is that agreed? Agreed.

**Deputy Tony McLoughlin:** Is there a Minister available to respond?

**Acting Chairman (Deputy Joanna Tuffy):** The Deputy should say what he has to say in two and a half minutes.

**Deputy Paudie Coffey:** There is no Minister available to provide a response.

**Deputy Ciarán Cannon:** I am not responsible for transport issues, only health and education.

**Acting Chairman (Deputy Joanna Tuffy):** Deputy Tony McLoughlin should say his piece and we will see whether there is a Minister available to reply.

**Deputy Tony McLoughlin:** Dáil Éireann calls on the Minister for Transport, Tourism and Sport to ensure his Department will provide €400,000 in aid for Sligo Airport to ensure this vital piece of infrastructure remains viable. I thank him for addressing this important issue for the people of the north west.

Since its foundation in 1974, Sligo Airport has been developed from an airstrip, effectively, to a commercial airport catering for up to 700,000 passengers. The recent decision to withdraw PSO funding is a dramatic blow that threatens the viability of the airport. As a key resource for Sligo, a gateway city in the national spatial strategy, the airport is an attraction when the IDA Ireland promotes Sligo as a location for foreign direct investment. Tourism growth is

targeted by the Government, especially in the north-west region which lags behind others. Tourism potential will diminish if Sligo Airport ceases to operate.

Sligo Airport hosts the Coast Guard search and rescue service, medical organ transplant emergency flights, private commercial flights, Air Corps training and Government flights for a variety of Departments. The decision to withdraw from July the PSO subsidy will result in the ending of the daily Dublin to Sligo flights. It will have an immediate effect on staff and the finances of the operating company. I compliment the board and staff on their work. They have given value for money. A recent submission to the Department recommended that the decision be reviewed and that more cost effective ways of maintaining the route be examined. In recent contracts the cost of subvention has escalated and the board of Sligo Airport would welcome a review, as it would a more in-depth look at the overall programme.

Funding of €400,000 is required by Sligo Airport to ensure its continued operation. I urge the Minister to consider this level of subvention based purely on the cost-benefit analysis based on tourism growth, industrial investment and the use of the airport by emergency services. At the least, I urge the Minister to ask his officials to examine in detail the submission sent by Sligo airport before he closes the door on this issue.

**Deputy Paudie Coffey:** I thank Deputy McLoughlin for sharing time with me on this important issue.

As a result of the recession, funding for regional airports was cut drastically in budget 2010 by the previous Government. I am concerned that recent media reports indicate that Waterford Regional Airport may be an airport the Minister is considering closing. I would like to present some facts to the Minister. Waterford Regional Airport passenger numbers increased exponentially, from approximately 15,500 in 2002 to almost 112,000 in 2009. The Buchanan report states that 85% of businesses in the south east view direct air access to the region as being very important. Millions of euro have been spent on infrastructural investment to date at the airport and the local authorities have invested in additional servicing infrastructure, such as a better roads network.

I note from the value for money report prepared by the Department that Knock and Kerry airports are successful because they have the facility to land jet aircraft. Waterford Regional Airport was expected to receive additional investment, via the Transport 21 project, to extend the airport, but that funding was never forthcoming. This has put the airport at a serious disadvantage. Waterford Regional Airport is the only airport in the south east region and there is a strong economic argument for its retention. With Waterford City as the gateway city to the region, for balanced regional development and strategic infrastructure there is a strong economic argument for the retention of the airport for access to the region. It is the only regional airport in the country not in receipt of the PSO subvention.

I acknowledge the Minister faces huge challenges to balance the budget in his Department. However, the continuation of the regional airport will help to deliver economic development and growth in the region. I note from the recommendations of the value for money report that the operational expenditure for Waterford Regional Airport would continue, subject to an annual assessment of subvention. I hope the Minister can put to bed the concerns I, my constituents and people in the wider south east region have and that he will confirm that support will continue for Waterford Regional Airport for the reasons I have outlined.

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I thank Deputies McLoughlin and Coffey for raising this matter.

The Deputies will be aware that I am faced with dealing with the lack of funding available for the regional airports programme for 2011 and for future years, following the reductions made by the previous Government. At the same time, some of the regional airports are becom-

[Deputy Leo Varadkar.]

ing more dependent on Exchequer support as the cost of operating and providing necessary security facilities rises and the number of people flying domestically continues to decline. Essentially, the regional airports are asking for more money to do less. This is not a sustainable position and I expect it to worsen in the coming years, with an improved road network, cheaper train fares and rising security costs.

There is a total allocation of €13.4 million available for the programme for 2011, some €11.4 million for current expenditure on the PSO air services and operational losses of the airports and €2 million for capital projects at the airports. This compares to expenditure of €21.2 million on the programme in 2010 and €200 million in the past ten years. After existing commitments for PSO air services to July 2011 and for new PSO air services from Kerry and Donegal to Dublin are accounted for, only €0.6 million is available for operational subvention for airports in 2011, whereas €4.8 million was paid out in 2010. The €2 million for capital expenditure is also considered to be inadequate for essential safety and security work at all the airports. Obviously, an increase in funding would have to come from cuts to road maintenance, bus services, railways or the coast guard. That might be possible this year, but not next year in the context of the €2 billion or more of spending cuts sought by the Government.

Last January, the previous Government announced that it would continue to support PSO air services for Donegal-Dublin and Kerry-Dublin. Only the Donegal-Dublin PSO operates currently. It was subsequently decided that a scheme would be introduced to allow the six regional airports to apply for whatever funding was available for operational expenditure, but the Government at the time did not identify what funding was available, because there was none.

I understand these decisions were based on the value for money review published last January, which recommended that funding for PSO air services between Dublin and the regional airports be discontinued when current contracts end in July 2011, with the exception of the Donegal-Dublin service. It also recommended that OPEX and CAPEX funding be discontinued for Sligo and Galway airports for a number of reasons, including the fact the catchment areas of these airports overlap with other airports with jet capability nearby at Knock and Shannon. The review took account of recent improvements in alternative transport modes, changes in EU legislation and the requirement to make best use of ever scarcer Exchequer resources.

I fully appreciate the implications for Sligo arising from these recommendations. However, in the context of addressing the lack of funding issue, I must focus on ensuring the sustainability of a strong network of regional airports serving the public, both in terms of business and tourism. I am conscious that once the PSO expires in July, Sligo will not have any regular scheduled air services.

While no decision has yet been made by the current Government on regional airport subsidies, I will bring proposals to Government within weeks with regard to funding of the airports for 2011 and future years. It would be inappropriate at this stage to comment on the possible outcome of the Government's deliberations of those proposals. However, it is clear that in the current financial crisis, any decisions will have to take account of available Exchequer funds. It is not business as usual and unpopular decisions must be made on matters like this today or we will be unable to pay for even the most basic or essential services in the future.

The Dáil adjourned at 9.10 p.m. until 1.30 p.m. on Wednesday, 18 May 2011.

## Written Answers.

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**The following are questions tabled by Members for written response and the ministerial replies as received on the day from the Departments [unrevised].**

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*Questions Nos. 1 to 31, inclusive, resubmitted.*

*Questions Nos. 32 to 44, inclusive, answered orally.*

### **Waste Management**

45. **Deputy Sean Fleming** asked the Minister for the Environment, Community and Local Government if he has given consideration to the Hennessy report on the Poolbeg incinerator; his plans to publish the report; and his plans to commission other reports on the Poolbeg incinerator. [11534/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The former Minister for the Environment, Heritage and Local Government, Mr. John Gormley, appointed Mr. John Hennessy, SC, as an authorised person under section 224 of the Local Government Act 2001 in February 2010, to examine various financial matters arising in relation to the Waste to Energy facility proposed by Dublin City Council, on behalf of the Dublin local authorities, for Poolbeg in Dublin.

Mr Hennessy's report was prepared last year and received in October 2010. When I became Minister in March 2011, I was fully briefed in relation to it and I have been considering it in consultation with the Attorney General. I am working to conclude my assessment of the report as soon as possible and in that context must also give careful consideration to issues in relation to publication of the report and matters regarding commercial confidentiality. When I have concluded my assessment of all of the matters involved, I will be bringing the report to Government for decision.

I have no plans to commission further reports on the Poolbeg project, the future of which remains a matter for the parties to the contract involved.

### **Industrial Sites**

46. **Deputy David Stanton** asked the Minister for the Environment, Community and Local Government the action he has taken, or will take, regarding the clean-up of Haulbowline, County Cork, following developments at the European Union Petitions Committee last month

[ Deputy David Stanton.]

and the letter of formal notification which was issued to Ireland by the European Commission last year in respect of European Court of Justice case C-494/01; and if he will make a statement on the matter. [11565/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**

From 2004 to 2009, my Department had an interim role in the management of the former Ispat site in a manner which is consistent with good practice and minimisation of risk to human health and the environment. In that context, my Department arranged for the decontamination and demolition of buildings on the site and, post-demolition, for the procurement of a contractor to carry out site surface clearance, back filling of voids and the disposal of surface wastes.

An Office of Public Works chaired working group has been developing proposals for a structured and coherent approach to the further management of the former Ispat site. The working group's terms of reference include examining the regulatory requirements for the site and advising the Government on the site's most beneficial future use. Plans for future use will determine the levels and extent of further works and/or remediation required, as well as helping to clarify further regulatory requirements, national and European, which may fall to be met.

I understand that the working group is currently finalising its report, which will provide a further key input to the process of charting a definitive and transparent way forward in relation to the site, and assist in addressing concerns of the local community. I look forward to considering the report's conclusions with my Government colleagues at an early date.

### **Fire Services**

47. **Deputy Peadar Tóibín** asked the Minister for the Environment, Community and Local Government his plans to ensure that his Department plays a role in implementing the recommendations of the Working Group on Land and Forest Fires; and the measures that his Department will implement. [11527/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**

The provision of a fire service in its functional area and the assessment of fire cover needs having regard to the nature of the fire hazards and the probable incidence and extent of fires in its area is a statutory function of individual fire authorities under the provisions of the Fire Services Act 1981. My Department's main role in this area is to ensure that fire authorities are equipped and geared to respond effectively to manage the effects of land and forest fires. The Department supports fire authorities through setting of general policy, the provision of capital funding, training support and issue of guidance on operational and other related matters.

The Working Group on Land and Forest fires established by the Department of Agriculture, Fisheries and Food reported earlier in 2011 and made 10 recommendations in relation to gorse and forest fires.

My Department will arrange the collation of data on land and forest fires in association with the relevant fire service mobilisation contracting authorities. The majority of instances of uncontrolled burning occur within specific geographical locations, and it was recommended by the Working Group that maps of land based fire 'hot spots' should be compiled in order to help specifically target the advertising and educational campaigns at these areas.

In addition to this recommendation of the Working Group, my Department is seeking reports from the fire authorities who had significant wildland fires recently, with a view to identifying lessons and possibly issuing further guidance in this area to add to the current Standard Operational Guidelines for Fires in Rural Areas, which deals with wildland fire-fighting issues.

### Homeless Persons

48. **Deputy Sandra McLellan** asked the Minister for the Environment, Community and Local Government his views on the Towards 2016 aim of ensuring that no person is in emergency accommodation for longer than an emergency; if he aims to achieve this within its lifetime; and the measures being taken to ensure this happens. [11517/11]

**Minister of State at the Department of the Environment; Community and Local Government (Deputy Willie Penrose):** The situation of homeless persons in emergency accommodation for protracted periods is a matter of particular concern to me and in this regard the commitment in the Programme for Government to review and update the existing homeless strategy is timely as Departments and agencies, together with community and voluntary service providers, are midway through the implementation of *The Way Home — A Strategy to Address Adult Homelessness 2008-2013*.

From my initial discussions with the sector, the appropriate strategies are largely underway, including measures to end involuntary rough sleeping and to improve delivery of mainstream housing to enable those residing in emergency homeless accommodation to move on to independent living.

However, key targets intended to be met by end 2010 have not been achieved and the current strategy review will take account of demands on existing housing, will assess how to best provide additional services and will ensure more effective prevention strategies. The Government will work with the sector to aggressively target the root causes of homelessness.

As part of the updated strategy, a 'housing first' approach to accommodating homeless people will be introduced. In this way we will be able to offer homeless people suitable, long term housing in the first instance and radically reduce the use of hostel accommodation and the associated costs for the Exchequer.

Following consultation within the sector, and in parallel with the Government's expenditure review, I intend to complete the homeless strategy review and introduce an updated strategy this autumn, including clear performance targets and associated timelines.

*Question No. 49 answered with Question No. 41.*

### Social and Affordable Housing

50. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government the number of affordable mortgage applications approved in 2010 by county; the average amount of the loan granted; if it is intended to modify this scheme; and if he will make a statement on the matter. [11499/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** The majority of households purchasing affordable housing obtain loan finance from private financial institutions. Prospective purchasers under these schemes, or under the tenant purchase scheme, who have been unable to access credit elsewhere, can apply to the relevant local authority for a standard annuity loan.

While my Department has collected information on the number of these loans drawn down by local authority area each year since 1994, data in respect of 2010 are not yet available. My Department does not collect information on the amounts drawn down.

All local authority mortgage lending operates under the Housing (Local Authority Loans) Regulations 2009 and associated credit policy. These set out a maximum loan limit of €220,000 and a maximum term of 30 years.

[Deputy Willie Penrose.]

I believe that the current regime is a fair scheme that adequately meets the needs of prospective borrowers, while also protecting the financial position of local authorities by adhering to prudent lending practices.

51. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government if he will consider a review of the current income thresholds in respect of applicants for social housing. [11516/11]

67. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Community and Local Government if he is satisfied with the current criteria set down for social housing applications. [11505/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I propose to take Questions Nos. 51 and 67 together.

The Housing (Miscellaneous Provisions) Act, 2009, provides for a new process of housing needs assessment for applicants for social housing support and empowers the Minister to make regulations setting out the criteria for determining the eligibility for such support. These criteria include, but are not limited to, income levels and the availability of alternative accommodation. In addition, to be eligible for social housing support a person must have a long-term right to reside in the State, a matter within the responsibility of the Minister for Justice and Equality.

On 1 April this year, the Social Housing Assessment Regulations, 2011, containing national eligibility criteria, including maximum income limits, came into effect. These mandatory criteria must be applied by all housing authorities in assessing a household's eligibility for social housing support. Moving to a more standardised and objective set of eligibility criteria is designed to bring greater consistency, equity and transparency to the assessment process.

The Social Housing Assessment (Amendment) Regulations, made on 29 March 2011, amended the original regulations and provided for a general increase of €5,000 in the income bands. These income bands refer to the net income of households, that is net of income tax, PRSI and the Universal Social Charge. The new increased maximum limits are €35,000, €30,000 and €25,000 for a single-person household, depending on the local authority area concerned. The new income limits will increase the number of households eligible for social housing support.

### **Local Authority Housing**

52. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government his views regarding the suggestion that property in the control of the National Asset Management Agency be used in part to house those who remain on the waiting lists of local authorities or in housing unfit for habitation. [11515/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** Two of the key challenges for the housing sector at present are the oversupply of housing in certain areas, including in respect of unfinished estates, and the need sustainably to meet the increasing demand for social housing in the context of a severely restricted resource environment. There are clear linkages between the roles of my Department and the National Asset Management Agency (NAMA) in addressing these challenges and there is significant potential to align the objectives of the two organisations.

My Department has been engaging with representatives of NAMA, and since coming into office I have also met with the Chairman and the CEO of NAMA to discuss options for

securing a social dividend through the acquisition of suitable residential units for social housing purposes, while providing a return in line with NAMA's mandate. I will be progressing this agenda as a matter of urgency.

*Question No. 53 answered with Question No. 39.*

### **Rural Development**

54. **Deputy Tom Barry** asked the Minister for the Environment, Community and Local Government if he will address restrictions under the rural development programme which preclude hub towns from accessing certain funding streams because of their status under the national development plan. [11379/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** For the purposes of implementing Axes 3 & 4 of the Rural Development Programme (RDP), the following areas are excluded:

- The City Council boundaries of Dublin, Cork, Galway, Waterford and Limerick
- The Borough Council boundaries of Kilkenny, Sligo and Wexford
- The Town Council boundaries of Athlone, Ballina, Castlebar, Cavan, Dundalk, Ennis, Killarney, Letterkenny, Mallow, Monaghan, Mullingar, Tralee, Tuam and Tullamore.

During negotiations in respect of the Rural Development Programme, the European Commission indicated that the OECD definition of rural areas should be used to define the rural areas that would be covered by the Programme. The OECD defines rural areas as those with a population density of less than 150 persons per square kilometre. It was considered, in the Irish context, that a more appropriate course of action would be to remove the urban areas defined as hubs and gateways in the National Spatial Strategy from coverage under the Programme.

The use of this definition, rather than a population density calculation, ensures that Axes 3 & 4 Rural Development Programme funding is available to a more significant number of rural areas, which would otherwise not receive funding under the Programme.

This approach was adopted following detailed negotiations with the European Commission and is the best possible outcome in relation to Programme coverage.

The positive impact on rural areas will far outweigh any potential loss in hubs and gateways and, in overall terms, the level of investment resulting from the Rural Development Programme is a significant boost to the country as a whole.

### **Illegal Dumping**

55. **Deputy Seán Crowe** asked the Minister for the Environment, Community and Local Government his plans to increase fines for illegal dumping. [11510/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Enforcement actions against illegal waste activity are a matter for the local authorities and the Office of Environmental Enforcement (OEE) within the Environmental Protection Agency. My role as Minister is to ensure that the necessary legislative provisions are in place to enable the relevant authorities to discharge their enforcement functions effectively and that appropriate penalties are available to be applied where transgressions arise.



[Deputy Phil Hogan.]

The 2005 report of the OEE, *The Nature and Extent of Unauthorised Waste Activity in Ireland*, identified the unauthorised collection and dumping of waste as a problem area which needed to be further tackled. The report drew attention to the measures already being taken, including the appointment of some one hundred and twenty additional enforcement officers funded by my Department across the local authorities.

In 2008, there were 8,151 waste enforcement notices issued and 695 prosecutions initiated. Overall, this represents a very significant quantum of enforcement, consistent with the findings of the OEE's report *Focus on Environmental Enforcement in Ireland*, covering the period 2006 to 2008, which indicates that the handling of waste-related complaints has significantly improved.

In general, I am satisfied with the adequacy and appropriateness of the available enforcement powers and the maximum penalties of a fine of up to €15 million and/or imprisonment for up to 10 years for waste-related offences. While I have no immediate plans for legislative change in these matters I am keeping the performance in this area under regular review. In that context, I will also be considering any relevant recommendations that may be made in the report of the EPA Review Group which I expect to receive shortly.

### **Proposed Legislation**

56. **Deputy Martin Ferris** asked the Minister for the Environment, Community and Local Government the date on which he will publish climate change legislation. [11508/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Programme for Government includes a commitment to publish climate legislation to give certainty and clarity in relation to the reduction in greenhouse gas emissions to be achieved in line with EU targets. In progressing this commitment, I intend to follow a transparent process which will provide an avenue for engagement by all the relevant stakeholders.

My priority in the climate area is, in the first instance, to undertake a review of Ireland's climate-related policies and measures in light of existing and anticipated national greenhouse gas mitigation targets. This process, which I have requested my Department to complete by end-June, will underpin the development of future climate policy. My Department will then build on that process by, inter alia, exploring more fully the form and content of legislation that it would be appropriate to put in place to support the overall national effort in the climate area. In that context, I will be taking account of the work undertaken by the previous Government, which culminated in the publication of the *Climate Change Response Bill 2010*, although I do not agree with the contents of the Bill. Given the support of Parties on all sides of the House for climate legislation, it would be useful if we were to be able to move forward on an all-Party basis. Accordingly, once the new Committee arrangements are in place, I will be writing to the Chair of the relevant Committee in this regard.

At this point, taking account of the importance of advancing this issue in an inclusive way, providing a more robust basis for galvanising a broad measure of support, I expect to be in a position to publish a consultation paper on climate legislation early next year, with the heads of a climate Bill following during the year, and a final Bill being published as quickly as possible thereafter.

### **Water and Sewerage Schemes**

57. **Deputy Tony McLoughlin** asked the Minister for the Environment, Community and

Local Government if approval will issue in the near future for the Strandhill sewerage scheme, County Sligo. [11591/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Grange/Strandhill/Tubbercurry Sewerage Scheme (Wastewater Treatment Plants Upgrade contract) is included in my Department's Water Services Investment Programme 2010-2012 as a contract to start during the lifetime of the Programme.

Under this scheme it is envisaged that wastewater treatment plants will be constructed at these three locations under a single Design/Build/Operate contract. Funding for this contract has been approved in principle, subject to the submission by Sligo County Council of some additional information. This information, which was received in my Department in April, is under examination at present and a decision will be made in the near future.

### **Social and Affordable Housing**

58. **Deputy Jonathan O'Brien** asked the Minister for the Environment, Community and Local Government the number of social housing units built each year from 2005 onwards. [11522/11]

**Minister of State at the Department of the Environment; Community and Local Government (Deputy Willie Penrose):** The detailed data requested in respect of social housing output from 2005 can be viewed on my Department's website, *www.environ.ie*. Data in respect of 2010 output have not yet been finalised. Between 2005 and 2009, 21,430 social housing units have been completed and 5,587 units have been acquired.

*Question No. 59 answered with Question No. 39.*

### **Nuclear Plants**

60. **Deputy Seán Crowe** asked the Minister for the Environment, Community and Local Government his plans to increase his level of proactive engagement with the British Government to lobby for the closure of Sellafield. [11509/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Government continues to bring pressure to bear on the UK authorities through a number of channels to decommission and close the existing Sellafield reprocessing plant on the basis that it poses an unacceptable risk. In addition to the reprocessing activities conducted there, Sellafield is the location of a large inventory of radioactive waste which will require active management by the UK authorities for many years into the future. From Ireland's perspective, it is important that this waste inventory be managed as safely as possible and that any hazard or risk it poses be reduced as a matter of priority.

I recently took the opportunity to raise Irish concerns in relation to Sellafield with the UK Secretary of State for Energy and Climate Change, Chris Huhne, when I met him on 26 March. While I acknowledged the ongoing constructive dialogue between the Irish and UK authorities on nuclear safety issues, I re-iterated the concerns of the Irish Government in relation to Sellafield. Against the background of the accident at the Fukushima nuclear plant in Japan, I emphasised the importance of the Ireland-UK Bilateral Notification Agreement for the early notification of nuclear accidents or incidents. I also expressed the view that Sellafield should be covered by the "stress testing" arrangements being developed for nuclear plants in the European Union in response to the Fukushima accident.

[Deputy Phil Hogan.]

Secretary of State Huhne acknowledged the Irish Government's concerns and indicated his Government's continued support for the ongoing constructive engagement between Ireland and the UK on nuclear-related matters. He also confirmed that the UK will be participating in the development of the proposed 'stress test' to ensure that the robustness of the safety arrangements at nuclear facilities, including Sellafield, are challenged and improved where necessary in light of events in Japan.

The European Nuclear Safety Regulators Group (ENSREG), on which Ireland is represented, met on 12 May 2011 to discuss the criteria for these "stress tests". Ireland expects the "stress tests" to be designed and applied such that they will contribute to real improvements in nuclear safety at all nuclear installations in Europe.

As well as my direct engagement with the UK Secretary of State there is a proactive ongoing engagement at official and regulator level with the relevant UK authorities on matters of nuclear safety and radiological protection, including the ongoing decommissioning programme at Sellafield.

### **Litter Pollution**

61. **Deputy David Stanton** asked the Minister for the Environment, Community and Local Government further to Parliamentary Question No. 53 of 25 November 2010 the progress, if any, he has made regarding support for adopt a road initiatives across the country; and if he will make a statement on the matter. [11564/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Under the Litter Pollution Acts 1997 to 2009 the primary management and enforcement response to littering must come from local authorities. The role of my Department is to provide the legislative framework within which to combat litter pollution and to motivate and energise anti-litter responses as necessary.

Under the Anti-Litter Awareness Grant Scheme, which is administered by my Department, local authorities may apply for grant funding for suitable projects such as adopt-a-road. During 2010, six local authorities availed of funding under the Scheme to support small scale schemes of this kind. Typically these schemes involve local community groups agreeing to adopt a short stretch of road and clean it at regular intervals throughout the year with the local authorities' assistance and supervision. Schemes may also be sponsored by local businesses in return for signage detailing their involvement.

I have encouraged cooperation between businesses, the public, community groups and local authorities through the Civic Responsibility Week currently underway. My Department is now working on proposals to encourage the expansion of such schemes through engagement with local authorities and local communities. I will be giving urgent consideration to these proposals, when finalised, with a view to making early further progress in this area.

*Question No. 62 answered with Question No. 44.*

### **Commercial Rates**

63. **Deputy Michael Moynihan** asked the Minister for the Environment, Community and Local Government if he will consider issuing a directive to local authorities requesting them to reduce their commercial rates. [11535/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Local authorities are under a statutory obligation to levy rates on any property used for com-

mercial purposes in accordance with the details entered in the valuation lists prepared by the independent Commissioner of Valuation under the Valuation Act 2001. The levying and collection of rates are matters for each individual local authority. The Annual Rate on Valuation (ARV), which is applied to the valuation of each property to obtain the amount payable in rates, is decided by the elected members of each local authority in the annual budget and its determination is a reserved function of a local authority.

I am acutely aware of the pressures on small and medium sized businesses at the present time. My Department, this year and in recent years, has requested local authorities to exercise restraint in setting commercial rates to support competitiveness in the economy and to protect the interests of communities. Local authorities have responded positively to these requests. Across the 88 local authorities, annual rates on valuation declined by an average of 0.64% from 2010 to 2011.

I will continue to keep the approach to rates by local authorities under active review, and am determined that every avenue will be pursued to optimise efficiency and certain costs in the local government sector.

### **Waste Policy**

64. **Deputy Pearse Doherty** asked the Minister for the Environment, Community and Local Government the date on which he will publish his new waste policy; if this policy will be free from incineration and thermal treatment projects; and if he will make a statement on the matter. [11511/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Programme for Government commits to the development of a coherent national waste policy, adhering to the waste hierarchy, which will aim to minimise waste disposal in landfill and maximise recovery. I am prioritising this commitment, as I am anxious to provide early regulatory certainty, in the form of both policy and legislation, to ensure that the necessary actions and investments are progressed to achieve those aims.

During the Dáil Second Stage debate on the Environment (Miscellaneous Provisions) Bill on 14 April, I outlined the guiding principles which will inform the waste policy development process. These principles will serve to ensure that future waste policy will—

- be designed to minimise the volumes of waste generated and to extract the maximum value from those wastes which do arise;
- be founded on a firm, evidence-based understanding of the many scientific, economic and social issues which are inherent elements of the waste policy discourse; and
- be designed to facilitate necessary investment in infrastructure, within an appropriately regulated waste market framework.

I look forward to engaging with parliamentary colleagues and the range of interests in the waste sector in the development of this policy framework. It is my intention to complete policy development by the end of this year.

### **Social and Affordable Housing**

65. **Deputy Dessie Ellis** asked the Minister for the Environment, Community and Local Government in view of the death of a person (details supplied) who was left isolated in a tenanted flat block for over three years, the measures being taken to ensure that vulnerable persons are rehoused as soon as possible in situations like Ballymun, Dublin, where regener-

[ Deputy Dessie Ellis.]

ation has slowed in progress and many blocks are left with very few tenants for extended periods of time. [11526/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** Ballymun is by far the largest regeneration project ever undertaken in this country with a capital investment to date of over €700 million. This ambitious project has an expected completion date of 2014.

Since construction started in 2000, the project has delivered 1,620 social housing units, 105 voluntary housing units and 1,228 private and affordable units. A further 200 units are under construction at present. Six of the seven landmark towers have been demolished and close to half of the original 2,800 flats are either already demolished or under contract to be demolished.

My Department remains fully committed to supporting the completion of the regeneration programme at Ballymun in accordance with the plans and within the timeframe set out. This year, some €53 million has been set aside to support the delivery of projects as set out in the work programme submitted by the Ballymun regeneration office. Of this, €21 million of this will go towards new housing construction, €17 million for demolition and infrastructure provision, €5.5 million for social inclusion measures and €3 million to continuing the detenanting of blocks scheduled for demolition.

By any yardstick, these figures clearly show that there has been no throttling back on the Ballymun project.

I was saddened to learn of the tragic incident which occurred last January and I extend my sympathy to the family and friends of Rachel Peavoy. The circumstances surrounding this tragedy were recently considered in the Coroner's Court. I have noted the outcome of the Coroner's inquest and, in particular, that consideration should be given by Dublin City Council to reviewing the de-tenanting process for the remaining flat complexes. My Department has been in contact with the Council and the regeneration office with a view to assisting with the acceleration of the de-tenanting arrangements for occupied blocks. I will be happy to support any proposal from Dublin City Council in this regard.

### **Unfinished Housing Developments**

66. **Deputy Caoimhghín Ó Caoláin** asked the Minister for the Environment, Community and Local Government the amount of money drawn down by local authorities from the central funding provision to deal with immediate safety issues in unfinished housing developments. [11504/11]

70. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government if the €5 million earmarked for making safe ghost estates has been allocated to local authorities; the housing estates, by county, that have been nominated; the allocations if any that have been made by county; if he intends to extend the €5 million allocation; and if he will make a statement on the matter. [11500/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I propose to take Questions Nos. 66 and 70 together.

The high-level Expert Group on Unfinished Housing Developments, established in October 2010 following the publication of my Department's National Housing Development Survey database, has identified practical and policy solutions to address the difficulties associated with unfinished housing developments. On foot of the interim analysis and findings of the Advisory

Group my Department made available initial funding of €5 million to local authorities to deal with immediate safety issues and works to improve the living conditions for existing residents.

My Department has now put in place the necessary arrangements for local authorities to make applications for funding for the most urgent and serious cases. The first applications have been received and are being assessed. I anticipate that approved budgets in respect of these will issue shortly. No payments have been made to date.

*Question No. 67 answered with Question No. 51.*

### **Greenhouse Gas Emissions**

68. **Deputy Micheál Martin** asked the Minister for the Environment, Community and Local Government his plans to play any role in international consideration of the climate change issue. [7691/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Ireland, through its membership of the European Union, is proactively supporting ongoing efforts under the United Nations Framework Convention on Climate Change to reach agreement on a comprehensive, global response to the threat of climate change.

While welcome progress was made at 16th Conference of the Parties to the Convention in December 2010, Parties must intensify their efforts towards reaching an agreement if a gap in the international response to climate change is to be avoided when the Kyoto Protocol expires at the end of 2012. Continued EU leadership, underpinned by the support of Member States, will be an important factor in intensifying the global effort and influencing further progress.

The EU position on the international climate agenda is most recently set out in the conclusions adopted by the Council of Environment Ministers on 14 March 2011. In view of the fact that the international negotiations are ongoing, including a round at official level which will take place in June 2011, I expect the EU position to be updated in the run up to the 17 Conference of the Parties to the Convention later this year. As well as contributing to further development of EU policy on the negotiations, as I have already done at the 14 March Environment Council and at an Informal Council held by the Hungarian EU Presidency later in March, it is my intention to attend and support EU efforts at this year's Conference of the Parties.

### **Fire Services**

69. **Deputy Brian Stanley** asked the Minister for the Environment, Community and Local Government if he will conduct an investigation into the provision of fire services in Counties Laois and Offaly to ascertain if the services currently provided are adequate. [11501/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The provision of fire services in local authority areas, including the establishment and maintenance of fire brigades, the assessment of fire cover needs and the provision of premises is a statutory function of the individual fire authorities under the provisions of the Fire Services Act 1981.

Section 26 of the 1981 Act requires each fire authority to prepare, and as occasion requires revise, plans for fire and emergency operations which, *inter alia*, set out the arrangements for the provision of fire services in the authority's functional area. The making and revision of a plan is a reserved function of the local authority. Laois and Offaly County Councils have adopted plans in place.

[Deputy Phil Hogan.]

My Department supports the local fire authorities through setting of general policy, training support and issue of guidance on operational and other related matters, and the provision of capital funding.

In recent years, international trends in managing emergency service provision have moved towards the use of Integrated Risk Management or a Risk-Based Approach (RBA). My Department's National Directorate for Fire and Emergency Management is currently funding the development and use of a Geographic Information Systems (GIS) software utility that will assist in moving towards such a risk based approach to fire cover.

The new approach favours the adoption of a formal risk appraisal process to enable fire authorities to determine priorities and manage available resources. Historical fire incident data, and demographic and other relevant data linked with information based on historical fire service responses and census data give an accurate 'picture in time' of current activities and fire risk patterns and trends. This map-based information in turn is intended to be used as a management tool for analysis and strategic decision-making with a view to identifying the most vulnerable sectors of communities, and mitigating fire risk through community fire safety initiatives such as putting smoke alarms in the homes of the elderly, as well as planning fire service response.

The intention is that individual fire authority Section 26 plans, including those for Laois and Offaly, will be revised using the information produced under the risk based approach analysis, and that the information will assist and guide fire service management decisions on the deployment of available resources in the years ahead. The recommended risk based approach was developed following a procurement process, and piloted in a number of counties, and is now being applied on a progressive basis across all counties over the course of 2011.

I have no plans to conduct an investigation into the provision of fire services in Counties Laois and Offaly.

*Question No. 70 answered with Question No. 66.*

### **Water Services**

71. **Deputy Sean Fleming** asked the Minister for the Environment, Community and Local Government if he has received the detailed submission on the roll out of water metering; and if he will make a statement on the matter. [11533/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Programme for Government provides for the introduction of a fair funding model to deliver clean and reliable water. The objective is to install water meters in all households and move to a charging system based on usage above a free allowance. My Department is currently preparing a strategy to implement these proposals, including the funding of the metering programme, and I will be making further details available following Government consideration of the proposals.

### **Social and Affordable Housing**

72. **Deputy Richard Boyd Barrett** asked the Minister for the Environment, Community and Local Government the number of persons and families that will be deemed ineligible for social housing under the new Housing (Miscellaneous Provisions) Act that were previously deemed eligible; and if he will make a statement on the matter. [11590/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I refer to the reply to Questions Nos. 279 and 280 of 5 April 2011 which sets out the position in this matter.

### **Departmental Reports**

73. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government his views on the Brosnan report; and the current status of this report. [11529/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I am very much aware of the urgent need to strengthen local government in Limerick. I am carefully considering the report of the Limerick Local Government Committee, published in September 2010, which contains recommendations in that regard and I intend to bring proposals to Government as soon as possible.

### **Economic Development**

74. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government his plans whereby local authorities can make a major contribution to economic recovery; if consideration will be given to the identification of specific measures that could positively affect the current economic situation; and if he will make a statement on the matter. [11594/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Local authorities play a central role in supporting economic development and enterprise at local level. They do this in a number of ways including through their capital and current budgets, economic planning and development and the provision of goods and services as well as community infrastructure.

A number of initiatives have been taken by local authorities to promote and support enterprise and economic development. These include reducing commercial rates, supporting work placement schemes, and establishing business support units or equivalent arrangements in each county and city council. In addition, local authorities are working closely with the relevant agencies at local level, including through their leadership of the multi-agency County/City Development Boards, in relation to economic development and the promotion of enterprise in their areas.

Looking ahead, the Programme for Government provides for an expanded role for local authorities in local enterprise and community development. This in turn will maximise the impact of investment to produce jobs at local level. In addition, I will be asking local authorities to do all that they can to reduce rates and other charges which affect businesses. Furthermore, I will be considering how best local authorities can play their part in supporting relevant elements of the Government's Jobs Initiative.

### **Legislative Programme**

75. **Deputy Michael Moynihan** asked the Minister for the Environment, Community and Local Government if he is committed to commencing the Dog Breeding Establishments Act 2010. [11536/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Dog Breeding Establishments Bill 2009 passed all Stages in the Seanad on 14 July, 2010 and was signed by the President on 21 July, 2010. I understand that the Act was not commenced, under the last Government, primarily in order to allow sufficient time for the Department of Agriculture, Fisheries and Food to progress the Greyhound Welfare Bill 2010, provid-



[Deputy Phil Hogan.]

ing separately for the regulation of greyhounds. This Bill was introduced in the Seanad in January 2011 and remains on the Seanad Order paper.

My Department is consulting with colleagues in the Department of Agriculture, Fisheries and Food in relation to the synchronization of the two pieces of legislation and I am keeping the issue of commencement of the Act under review pending the outcome of those discussions.

### Election Management System

76. **Deputy Mary Lou McDonald** asked the Minister for the Environment, Community and Local Government the date on which the task force established to deal with the matter of the sale of voting machine units will conclude its work; and where funds generated from their eventual sale will be directed. [11513/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** In addressing the legacy of the electronic voting project, my priority is to see that the equipment is disposed of as soon as possible.

I have asked the Task Force that was established to oversee the cessation of the project to consider proposals for the disposal of the equipment, with a view towards immediately progressing arrangements. The Task Force met on 12 April 2011, and the necessary preliminary and background work to enable the disposal of the equipment to proceed is currently under way. This is to be completed as soon as possible.

While proposals have not at this stage been invited in respect of the equipment, some expressions of interest have previously been received. These were considered by the Task Force in the context of putting arrangements for disposal in place.

In considering options for disposal of the equipment, the priority is to pursue the most economically advantageous approach, with a view to achieving the maximum recovery of cost possible in the circumstances, consistent with environmental and other obligations.

In this context, any funds that may be recovered following the disposal of the equipment will fall to be returned directly to the Exchequer.

### Local Authority Housing Loans

77. **Deputy Bernard J. Durkan** asked the Minister for the Environment, Community and Local Government the number of house purchase loans offered by each of the local authorities in each of the past three years to date in 2011; the degree to which he proposes to ensure that a greater role in the provision of housing for first time purchases or housing applicants is undertaken by local authorities with particular reference to playing a major role in the housing sector; and if he will make a statement on the matter. [11593/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** House purchase loan approvals for each local authority area in 2009 are set out in the following table. Data for 2010 are being compiled at present. Data for 2011 are not yet available.

| Local Authority        | Total Loans Approved |
|------------------------|----------------------|
| <i>County Councils</i> |                      |
| Carlow                 | 8                    |
| Cavan                  | 5                    |
| Clare                  | 10                   |
| Cork                   | 32                   |

| Local Authority         | Total Loans Approved |
|-------------------------|----------------------|
| Donegal                 | 30                   |
| DL/Rathdown             | 5                    |
| Fingal                  | 36                   |
| Galway                  | 4                    |
| Kerry                   | 5                    |
| Kildare                 | 1                    |
| Kilkenny                | 17                   |
| Laois                   | 66                   |
| Leitrim                 | 3                    |
| Limerick                | 3                    |
| Longford                | 8                    |
| Louth                   | 0                    |
| Mayo                    | 43                   |
| Meath                   | 21                   |
| Monaghan                | 0                    |
| North Tipperary         | 5                    |
| Offaly                  | 0                    |
| Roscommon               | 3                    |
| Sligo                   | 4                    |
| South Dublin            | 240                  |
| South Tipperary         | 3                    |
| Waterford               | 9                    |
| Westmeath               | 5                    |
| Wexford                 | 9                    |
| Wicklow                 | 6                    |
| <i>City Councils</i>    |                      |
| Cork                    | 24                   |
| Dublin                  | 158                  |
| Galway                  | 0                    |
| Limerick                | 9                    |
| Waterford               | 14                   |
| <i>Borough Councils</i> |                      |
| Clonmel                 | 0                    |
| Drogheda                | 3                    |
| Kilkenny                | 0                    |
| Sligo                   | 3                    |
| Wexford                 | 0                    |
| <i>Town Councils</i>    |                      |
| Athlone                 | 0                    |
| Bray                    | 0                    |
| Dundalk                 | 3                    |
| <b>Total</b>            | <b>795</b>           |

[Deputy Willie Penrose.]

All local authority mortgage lending operates under the Housing (Local Authority Loans) Regulations 2009 and associated credit policy. These set out a maximum loan limit of €220,000 and a maximum term of 30 years.

I believe that the current regime is appropriately targeted and facilitates rather than incentivises house purchase by eligible, credit worthy first time buyers. The existing criteria are fair and adequately meet the needs of prospective borrowers, while also protecting the financial position of local authorities by adhering to prudent lending practices.

### **Constitutional Reform**

78. **Deputy Mary Lou McDonald** asked the Taoiseach his plans for bringing the constitutional convention to the people with nationwide meetings. [11664/11]

**The Taoiseach:** The Programme for Government commits the Government to establishing a Constitutional Convention to consider comprehensive constitutional reform and to report within twelve months of its establishment.

Work has commenced on the preparation of detailed proposals for the establishment of the Convention, and when ready these will be considered by Government. They will address matters such as the structure, composition, terms of reference, working methods and costs of the Convention, as well as the basis on which it will be established.

### **Census of Population**

79. **Deputy Michael McGrath** asked the Taoiseach the number of census forms that remain unreturned by householders or unavailable for collection by enumerators as part of Census 2011; and if he will make a statement on the matter. [11272/11]

**Minister of State at the Department of the Taoiseach (Deputy Paul Kehoe):** The Census 2011 field operation concluded on Sunday 8 May. During the following week ending 15 May, enumerators summarised the results of their enumeration work and submitted these summaries to the CSO. These summaries will provide the necessary information for incorporation into the preliminary results which are due for publication before the end of June.

This preliminary Report will provide a count of the enumerated population and the number of vacant dwellings as well as a reconciliation between the number of forms delivered and collected.

### **Departmental Agencies**

80. **Deputy Dominic Hannigan** asked the Taoiseach the number of State agencies or organisations under his remit which are paid up members of the Irish Business and Employers Confederation; the name of each agency or organisation; the amount each State agency or organisation paid to the Irish Business and Employers Confederation for the years 2007, 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [11328/11]

**The Taoiseach:** None of the State agencies or organisations under the remit of my Department are members of the Irish Business and Employers Confederation.

### **Departmental Expenditure**

81. **Deputy John McGuinness** asked the Taoiseach if he will confirm the number of credit cards issued by him and to whom; the criteria for issuing such cards; the credit card company

used; if a competitive process was used to select the company; if the facility has had to be withdrawn from any person; and if he will make a statement on the matter. [11561/11]

**The Taoiseach:** The total number of official credit cards currently held by my Department is eight. The cards are held by the following officials:

Head of Information Technology Unit

Government Press Secretary

Head of Library Services/Archives

Private Secretary to the Taoiseach

Private Secretary to Government Chief Whip

Assistant Secretary, European and International Affairs

Head of Management Services Unit

Finance Officer

Departmental credit cards are used for official purposes only. They are allocated to officials where the facility will be of practical use in meeting the requirements of official business, for example, to facilitate meeting of travel expenses and official entertainment while away from the office, the procurement of goods and services such as on-line conferences bookings, air travel, purchase of IT equipment and library supplies.

The use of official credit cards is closely monitored by the Department's Finance Unit. Expenditure must generally be supported by receipts submitted by card holders each month as part of the approval process for the associated expenditure. The allocation and use of official credit cards are reviewed on an ongoing basis, with a view to minimising the number of cards allocated, and credit limits are assigned in line with requirements for official use on a case by case basis.

In 2005 following a competitive process Bank of Ireland was engaged to provide the credit card facility for my Department. To date the facility has not been withdrawn from any Departmental official.

### **Official Engagements**

82. **Deputy Seán Kenny** asked the Taoiseach if he will provide details of his recent visit to the USA; the number of officials who accompanied him on the trip; the number of persons he met while in the USA and the cost of the trip to date. [11735/11]

**The Taoiseach:** I travelled to New York on 4-6 May last.

During my visit I attended a number of events and gave a range of media interviews during which I stressed the progress we are making in Ireland in our economic recovery.

I met with a large number of groups and individuals from the worlds of politics, business and culture.

My delegation comprised a senior official from my Department, my special adviser, the Government Press Secretary, my private secretary, my personal assistant and a security officer.

The estimated costs of the visit are as follows:

[The Taoiseach.]

| 2011          | Sub-total | Total  |
|---------------|-----------|--------|
| Hotel         | €1,766    |        |
| Car Hire      | €2,242    |        |
| Miscellaneous | €315      |        |
|               |           | €4,323 |

No other costs are currently available.

### Passport Applications

83. **Deputy Bernard J. Durkan** asked the Tánaiste and Minister for Foreign Affairs if all requirements in respect of documentation have been submitted to facilitate and satisfy immigration requirements in the case of a person (details supplied) in County Dublin who has been granted naturalisation and is waiting issue of a passport; and if he will make a statement on the matter. [11258/11]

**Tánaiste and Minister for Foreign Affairs (Deputy Eamon Gilmore):** The Passports Act, 2008 requires that before issuing a passport to a person, the Minister for Foreign Affairs shall be satisfied as to the identity of each applicant and that the person is an Irish citizen. Documentary proof in respect of identity and entitlement to citizenship are required for all passport applications. These requirements are outlined in the passport application form notes that accompany each application form. Details are also available on the Department's website. Birth certificates are among the standard documents that are required for all applications that involve children and persons, aged 18 and over the age, who are first-time applicants. These certificates are critical to the passport process in the following ways:

1. Each certificate confirms and verifies the applicant's personal details such as his/her date and place of birth which appear on that person's passport.
2. They help to demonstrate the person's entitlement to Irish citizenship which is a prerequisite for passport issue; and
3. Details of parents are stated on these certificates. This is important to the Passport Service in ensuring that the full parental consent to the issue of a passport to a minor is provided.

In the case of the person in question, an application for a passport was received by my Department on 18 March, 2011. The application was made through the Passport Express service which is a ten working day service for properly completed applications. The application was supported by the applicant's certificate of naturalisation, which demonstrated his entitlement to Irish citizenship, by an affidavit in regard to his birth details and proofs of the use of his name and address. In line with passport policy, the Department wrote to him on 31 March, 2011 requesting him to provide his birth certificate and to provide additional ID such as his Angolan passport.

On 6 April, 2011 the applicant spoke to an official in the Department to advise that he had been a refugee from Angola and that he did not have a passport from that country.

On 8 April, 2011 the applicant provided in support of his passport application, a letter from the Department of Justice and Law Reform, which confirmed his status as refugee in this

country, additional ID in the form of his Irish driver's licence and a further copy of his affidavit of birth.

On 26 April, 2011 the Department spoke to the applicant to inform him that his passport application could not be finalised until details of his birth affidavit could be verified. To this end, enquiries have been made in regard to the status and completeness of civil records of births in Angola with the assistance of the Irish Embassy in Maputo which is accredited to that country. These enquiries are ongoing. As soon as this information is received by the Passport Service, the application in question will be finalised. The applicant will be advised of this accordingly.

### **Departmental Agencies**

84. **Deputy Dominic Hannigan** asked the Tánaiste and Minister for Foreign Affairs the number of State agencies or organisations under his remit which are paid up members of the Irish Business and Employers Confederation; the name of each agency or organisation; the amount each State agency or organisation paid to the Irish Business and Employers Confederation for the years 2007, 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [11324/11]

**Tánaiste and Minister for Foreign Affairs (Deputy Eamon Gilmore):** There are no State agencies or organisations under the aegis of my Department.

### **Pension Provisions**

85. **Deputy Tom Hayes** asked the Tánaiste and Minister for Foreign Affairs the position regarding superannuation in respect of a person (details supplied) in County Tipperary; and if he will make a statement on the matter. [11375/11]

**Minister of State at the Department of Foreign Affairs (Deputy Jan O'Sullivan):** The Question relates to superannuation arrangements for a person who volunteered overseas with an Irish non-governmental organisation (NGO) for two periods in the 1980s. The person involved has discussed the situation with officials in my Department who contacted the NGO on her behalf to clarify the position. The organisation concerned has informed my Department that it has no records to indicate that there was an agreement to make superannuation payments in this case.

My officials remain ready to assist the person concerned should any additional documentation become available.

### **Overseas Development Aid**

86. **Deputy Pat Breen** asked the Tánaiste and Minister for Foreign Affairs following the expulsion of Britain's High Commissioner from Malawi after a leaked email in which he criticised the President of Malawi; if he will confirm that Ireland's aid commitment to Malawi will not be adversely affected by this diplomatic incident; and if he will make a statement on the matter. [11409/11]

**Minister of State at the Department of Foreign Affairs (Deputy Jan O'Sullivan):** The Government of Malawi expelled the British High Commissioner to Malawi on 26 April 2011, following the alleged leaking of a diplomatic report. We have condemned this decision along with our EU partners, as have Churches and Non-Governmental Organisations in Malawi.

Malawi has been a priority country for Ireland's aid programme since 2006, with a commitment to long-term strategic assistance. It is one of the poorest countries in the world, ranked

[Deputy Jan O’Sullivan.]

153 out of 169 countries on the 2010 UN Human Development Index. Malawi has suffered two major famines in the last decade and over 54% of the population live below the national poverty line. Over 40% of children under five suffer from chronic malnutrition and 12% of the adult population are living with HIV and AIDS.

The current Irish Aid five-year programme of assistance to Malawi, which commenced in 2010, is clearly focused on increasing the supply of food, improving nutrition, strengthening agricultural research and smallholder farming and helping to build democracy. The priorities reflect our commitment, across the aid programme, to playing a leading role internationally in the fight against global hunger and malnutrition. The Irish Aid programme is implemented in co-operation with communities in Malawi, with Irish, international and local NGOs, and with Government institutions.

We have clear differences of view with the Government of Malawi and are following developments closely through our Embassy in Lilongwe. Along with our EU partners, we have told the Government frankly that they need to demonstrate respect for human rights and for the principles of democratic government, and that we are closely reviewing developments in this regard.

It is important to emphasise that Ireland’s aid programme is concentrated on the needs of the people of Malawi, and especially the poorest and most vulnerable communities. I want to ensure that it will continue to have an impact in reducing the risk of famine, building agricultural production, helping those living with HIV and AIDS and providing children with the opportunity of receiving a decent education. It is also important that we use our influence so that these children have the opportunity to build their lives in a truly democratic society.

### **EU Budget Review**

87. **Deputy Aengus Ó Snodaigh** asked the Tánaiste and Minister for Foreign Affairs the approach that he will take to the negotiations which commence this summer on the new EU multi-annual financial framework which will run from 2013; the proposals he will make to ensure that the eradication of poverty features as the primary goal with associated effective measures to achieve it; and if he will make a statement on the matter. [11417/11]

**Tánaiste and Minister for Foreign Affairs (Deputy Eamon Gilmore):** The EU Budget is established within a Multi-annual Financial Framework (MFF). The current MFF covers the period 2007 to 2013 and this was agreed between Member States in 2005. The negotiations of the next EU MFF for the period 2014 onwards are due to begin in the second half of 2011, following the publication of European Commission proposals at the end of June. These negotiations will decide on the maximum level of EU budget expenditure, the policy areas for expenditure and how this expenditure will be funded. The negotiations can be expected to be challenging and lengthy, running at least until mid-2012 and possibly beyond.

Ireland’s overall approach to these extremely important forthcoming EU negotiations is that there should be a gradual evolution of the EU Budget expenditure rather than radical changes. This position was elaborated upon in Ireland’s submission to the European Commission’s public consultation process on the Review of the EU Budget which was published in October 2010.

The European Commission’s Budget Review communication highlighted the desirability of aligning the MFF with the objectives of the ten year Europe 2020 Strategy for jobs and growth, agreed by EU Heads of State or Government in June 2010. As the Deputy will be aware, one of the five EU headline targets under the Europe 2020 Strategy is to promote social inclusion,

in particular through the reduction of poverty, by aiming to lift at least 20 million people out of the risk of poverty and exclusion. Ireland's national target under this EU headline target, as set out in Ireland's National Reform Programme which was submitted to the European Commission at the end of April, is to reduce the number experiencing consistent poverty to between 2-4% by 2012, with the aim of eliminating consistent poverty by 2016, which will lift at least 186,000 people out of the risk of poverty and exclusion.

Efforts to support the objectives of the Europe 2020 Strategy through the MFF will be one of a broad and varied range of issues which will arise during the forthcoming negotiations, as the future funding of all areas of EU activities are considered carefully.

### **Passport Applications**

88. **Deputy Finian McGrath** asked the Tánaiste and Minister for Foreign Affairs the position regarding a passport application in respect of a person (details supplied) in Dublin 9. [11423/11]

**Tánaiste and Minister for Foreign Affairs (Deputy Eamon Gilmore):** The passport was posted to the applicant on 10 May. I would like to thank the applicant for using the recommended Passport Express service and for submitting their application in good time. I regret the delay in the issuing of their passport. The Passport Service is experiencing surge in demand for passports, unprecedented in volume and timing, apparently fuelled by families taking foreign holidays earlier in year. The situation is further complicated by the number of applicants who are calling to the counter seeking the urgent renewal of their passports in order to enable them to travel on last-minute bookings.

The Passport Service regrets the delay and any difficulties caused in this regard. Additional temporary staff have been recruited and are in training. Within a short period, seasonal overtime and the additional output provided by temporary staff will bring processing times back to normal levels.

The public can also assist the Passport Service by checking the validity of their passports before making bookings to travel abroad. A valid passport should be the first item on any check list when considering foreign travel, whereas all too often it appears to be the last.

### **Overseas Development Aid**

89. **Deputy Ciarán Lynch** asked the Tánaiste and Minister for Foreign Affairs the reason funding was not provided for Africa Day in Cork when funds have been allocated to this event in other cities; and if he will make a statement on the matter. [11450/11]

**Tánaiste and Minister for Foreign Affairs and Trade (Deputy Eamon Gilmore):** Africa Day on 25 May is the official day of the African Union and an opportunity to highlight the diversity and potential of the African continent and its people. Through Irish Aid in the Department of Foreign Affairs, the Government has supported initiatives in recent years to mark Africa Day in Ireland. The objective is to help build a more positive image of Africa and to promote public awareness of the Irish Aid programme, which is strongly focused on countries in sub-Saharan Africa.

For this year's Africa Day, Irish Aid has prioritised support for music, art, sporting and educational events and family activities which are organised at community level. A call for proposals to mark the occasion was advertised nationally, stating that applications would be assessed on the extent to which they contribute to the educational and awareness-raising objectives set for Irish Aid support. The clarity of proposals, the extent of collaboration with other



[Deputy Eamon Gilmore.]

organisations and value for money were also important considerations. Following a thorough assessment of the applications, twelve initiatives by cultural and community groups and colleges were approved for Irish Aid support.

A large number of applications was received, but on this occasion, the applications from organisations based in Cork were not successful. I look forward to future Irish Aid support for Africa day events in Cork.

### Departmental Expenditure

90. **Deputy John McGuinness** asked the Tánaiste and Minister for Foreign Affairs if he will confirm the number of credit cards issued by him and to whom; the criteria for issuing such cards; the credit card company used; if a competitive process was used to select the company; if the facility has had to be withdrawn from any person; and if he will make a statement on the matter. [11557/11]

**Tánaiste and Minister for Foreign Affairs (Deputy Eamon Gilmore):** My Department, which is responsible for Vote 28 (Foreign Affairs) and Vote 29 (International Cooperation), operates a restrictive policy for the use of corporate credit cards for official expenditure. The use of official credit cards may be permitted for officials who, because of the nature of their work, need to make official payments by this method. Credit cards are typically used to make occasional flight and hotel bookings, for making on-line purchases where it represents better value and for making payments at short notice, where cash may not be acceptable or where invoicing arrangements cannot be put in place.

Their use is subject to the same authorisation and control procedures as other forms of payment and decisions to issue a card are made in response to identified business needs.

While credit card companies require that the accounts be operated by named authorised signatories, it must be stressed that in my Department they are used exclusively for official, rather than personal use.

There has been no instance where a corporate credit card has been withdrawn from any official.

There are currently 4 official credit cards in use by my Department in Ireland and 15 in use by Missions abroad. In each case, the authorised holder of the card is a named official of the Department. Details of these cards are set out below in tabular form. The identities of the officials concerned have been withheld for security purposes.

|   | No of cards | Issuer           |
|---|-------------|------------------|
| <i>Department of Foreign Affairs HQ</i>                             |             |                  |
| Finance Units   | Two         | Visa             |
| Library   | One         | Visa             |
| Minister of State's Office  | One         | American Express |
| <i>Missions Abroad</i>  |             |                  |
| Embassy, Berne  | One         | Visa             |
| Permanent Representation of Ireland to the European Union, Brussels | Six         | Visa             |
| Consulate General, Chicago  | Two         | Visa             |
| Embassy, London   | One         | Visa             |
| Embassy, Mexico   | One         | Visa             |

|   | No of cards | Issuer           |
|---|-------------|------------------|
| Permanent Mission to the United Nations, New York Embassy, Ottawa | One         | Mastercard       |
| Embassy, Paris  | One         | American Express |
| Embassy, Tokyo  | One         | Visa             |
|   | One         | Visa             |

The credit card service providers are selected on a case by case basis by comparing the rates and terms offered by service providers to ensure best value for money.

### Passport Applications

91. **Deputy John O'Mahony** asked the Tánaiste and Minister for Foreign Affairs his plans to clear the current backlog in the Passport Office; and if he will make a statement on the matter. [11653/11]

**Tánaiste and Minister for Foreign Affairs (Deputy Eamon Gilmore):** The Passport Service has, in recent weeks, experienced a very significant surge in demand, with requests for passports currently running at a level 13% higher than the same period in earlier years. At present the Passport Service is receiving an average of 4,260 applications per day. This is an unprecedented level of demand, with the number of applications received from Irish residents alone in two days over the past week at over 5,200, exceeding by 700 the highest number previously received on any one single day. The largest increase has been observed in passports for children between the age of 3 and 18 and is running 16% over previous years. Due to the surge in demand, the turnaround time for applications received through the Passport Express system is currently running between 11 and 13 working days. It normally takes 10 working days. The Passport Service regrets the delay and any difficulties caused in this regard. Notice of the current extended turnaround time and its likely duration has been published on the Passport Service website *www.passport.ie*. The Passport Office has also told *An Post* so that customers can be advised of the situation at the point of application.

The system is also coping with an unprecedented demand for passports at short notice, with some 350 people per day coming to the public office seeking passports within a period under 10 days. To protect the integrity of the system and the quality of the passport, the Passport Service cannot provide standard passports within a single day. The shortest turnaround time available is three working days for applications received over the public counter accompanied by proof of travel, other than in cases of genuine emergency.

The Passport Service has recently recruited additional temporary staff and these staff members are currently being trained in passport processing. Within a short period, seasonal overtime and the additional output provided by temporary staff, will bring processing times back to normal levels.

In the meantime, the Passport Service is appealing strongly to all members of the public not to make arrangements for themselves or their family to travel abroad until they have ensured that their passports are in date. The availability of last-minute holiday offers has led to an increase in the number of people looking for a turnaround of less than 10 days for their passport. Applicants must apply in time, taking into account that processing times are based on working days and that, for instance, 10 working days would usually equate to two full weeks.

### Pension Provisions

92. **Deputy Ciara Conway** asked the Minister for Finance the position regarding a pension being subjected to universal social charge in respect of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [11311/11]

**Minister for Finance (Deputy Michael Noonan):** The position is that the Universal Social Charge, which came into effect on 1 January 2011, is a tax payable on gross income, including notional pay, after any relief for certain trading losses and capital allowances, but before pension contributions. All individuals are liable to pay the Universal Social Charge if their gross income exceeds the threshold of €4,004 per annum (€77 per week). There are some exemptions including certain elements of foreign pensions. In accordance with the provisions of Section 200 of the Taxes Consolidation Act 1997, (Certain Foreign Pensions) occupational and social security pensions that are disregarded for income tax purposes in the hands of a resident of a country of source will also be disregarded for income tax purposes in this state.

In summary if the taxpayer is in receipt of foreign pension similar to a pension paid by the Department of Social Protection it will not be subject to the universal social charge. However if the taxpayer is in receipt of a foreign occupational pension, which exceeds €4,004, it will be subject to the Universal Social Charge.

### **Motor Vehicle Registration**

93. **Deputy Billy Timmins** asked the Minister for Finance the position regarding so-called ringer cars; and if he will make a statement on the matter. [11652/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that vehicle identification is a primary requirement in the process of vehicle registration in the State. In this regard, in order that a vehicle may be formally identified at the time of presentation for registration, documentary evidence (i.e. EC certificate of conformity, foreign registration certificate or certificate of permanent export from another jurisdiction) confirming the vehicle identification number (VIN) in respect of the vehicle must be presented as part of the pre-inspection process (Statutory Instrument No. 400 of 2010 (Vehicle Registration and Taxation (Amendment) Regulations 2010) refers).

It should be noted that where the VIN on the documentary evidence presented does not match the VIN on the vehicle itself, registration is refused.

The Deputy may also wish to note that if his constituent has any specific information relating to any potential abuses of VRT legislation and regulations in the State, he/she may forward details on a confidential basis to their local Revenue office.

Finally, matters relating to motor tax are within the remit of the Department of the Environment, Community and Local Government (policy) and the Department of Transport, Tourism and Sport (administrative and operational).

### **Motor Taxation**

94. **Deputy Paul J. Connaughton** asked the Minister for Finance the changes to the vehicle registration tax of vintage tractors and cars that has taken place over the past 12 months; and if he will make a statement on the matter. [11833/11]

**Minister for Finance (Deputy Michael Noonan):** The Deputy may be aware that the rate of €50 for Category C vehicles (which includes vintage tractors and cars) had not been increased since its introduction in 1993 (when it was set at £40 and converted to €50 in 2002). Given that the rate hardly covered the administration costs of registering a vehicle, it was decided in the 2011 Budget to increase the rate for registering a Category C vehicle to €200. The new rate is effective from 1 May 2011.

### **Public Procurement Contracts**

95. **Deputy Michael McGrath** asked the Minister for Finance if his attention has been drawn to the fact that the imposition of minimum turnover requirements for prospective tenderers in

public sector tendering competitions is restricting the ability of small and medium sized enterprises here to win public contracts, if he intends to address this problem; and if he will make a statement on the matter. [11200/11]

**Minister for Finance (Deputy Michael Noonan):** The Government recognises that the small and medium enterprise (SME) sector is very important to the economy and that public procurement can be a source of business for SMEs. Whilst public bodies may use a prospective contractor's turnover to assess a company's financial capacity, there are no centrally imposed requirements for a minimum turnover. Such requirements would normally be developed on a case by case basis with reference to the specific needs of the contract. In the context of making public procurement more accessible for SMEs, my Department has issued public procurement guidelines to public bodies which are aimed at facilitating greater participation of SMEs in public procurement opportunities. These guidelines are aimed at encouraging recently established firms, or firms with no previous experience of public contracts to tender for public projects. In relation to suitability criteria public bodies are reminded that any levels they set in relation to a potential tenderer's turnover must be both justifiable and proportionate to the needs of the contract.

In addition, I understand that the industrial development agencies look at procurement opportunities to assess whether the public contract notices contain requirements that might discourage SME participation and liaise with my Department as appropriate.

#### **Public Service Staff**

96. **Deputy Finian McGrath** asked the Minister for Finance his plans to introduce a voluntary redundancy scheme in the civil service; if so, when this will take place; and if he will make a statement on the matter. [11219/11]

**Minister for Finance (Deputy Michael Noonan):** The Government is committed to reducing Public Service numbers generally and is currently engaged in a Comprehensive Review of Expenditure with all Departments. Following a study of the outcome of this review, the Government will consider all options proposed by the review in order to ensure we meet the overall targets set out in the Programme for Government including taking into account expected natural wastage in the coming years.

#### **Tax Code**

97. **Deputy Bernard J. Durkan** asked the Minister for Finance the tax credit entitlements in the case of a person (details supplied) in County Meath; and if he will make a statement on the matter. [11259/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that, based on information to hand, the taxpayer in question is entitled to the following tax credit for 2011:

- Personal Tax Credit of €1,650
- PAYE Tax Credit of €1,650
- Rent Tax Credit of €320

It should be noted that tax law does not provide for a tax "family marriage allowance for children".

The foregoing is based on the information to hand but I am further informed by the Revenue Commissioners that should the individual in respect of whom details have been supplied wish

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to discuss with Revenue whether she may be entitled to further tax credits, she may contact her local Revenue office.

### Financial Services Sector

98. **Deputy Michael McGrath** asked the Minister for Finance if he will provide a list of the financial institutions currently implementing the deferred interest scheme as recommended by the Expert Group on Mortgage Arrears and Personal Debt; and if he will make a statement on the matter. [11269/11]

**Minister for Finance (Deputy Michael Noonan):** The Central Bank has advised me that the following lenders have notified the Bank of their intention to implement the recommendation of a Deferred Interest Scheme (DIS), as set out in the final report of the Expert Group on Mortgage Arrears and Personal Debt:

- Allied Irish Banks.
- AIB Mortgage Bank.
- Bank of Ireland.
- ICS Building Society.
- EBS.
- Haven Mortgages.
- Irish Nationwide Building Society.
- Permanent TSB.
- Springboard Mortgages.
- Start Mortgages.

As at the end of December 2010, these named institutions held a market share of approximately 65% of the value of outstanding owner-occupier mortgages in the State.

The date at which lenders will be in a position to offer a DIS to borrowers varies. Some institutions expect to be in a position to offer the scheme by the middle of 2011.

### Banking Sector

99. **Deputy Michael McGrath** asked the Minister for Finance the number of persons employed by the Central Bank of Ireland and of that total, the number of those who are employed on the basis of a 32.5-hour week; the number of those who are employed on the basis of a 35-hour week; and if he will make a statement on the matter. [11274/11]

100. **Deputy Michael McGrath** asked the Minister for Finance the number of days annual leave attached to various staff grades at the Central Bank of Ireland; and if he will make a statement on the matter. [11275/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 99 and 100 together.

The Minister for Finance has no role in the employment of staff of the Central Bank of Ireland or in its terms and conditions. However, I have been informed by the Central Bank of Ireland that there are 1,384 persons employed by the Central Bank of Ireland. The majority of staff in the Central Bank fall into the category of Professional and Administrative staff. The remaining staff include technical and general staff and senior management. Since December

2008, all contracts for Professional and Administrative Staff, regardless of grade, are issued based on a 35-hour week (excluding lunch). This is in line with a labour court ruling. Prior to December 2008, contracts were issued for a 32.5-hour week (excluding lunch). There are a range of different contractual hours in place for technical and general staff including those in Sandyford, depending on the grade and category of staff and role. These include 32.5 hours (pre Dec 08), 35 hours, 37 hours and 39 hours (all excluding lunch). In addition, due to the nature of the work in the Currency Centre, a range of working patterns and shift patterns are in operation. Of the total number of staff, 726 Professional and Administrative staff are employed on the basis of a minimum 32.5-hour week and 356 on the basis of a minimum 35-hour week. Within these contractual hours, flexible working arrangements are in place which are managed locally to ensure business requirements are met at all times. In practice, management and many staff, work in excess of their contracted hours. It is expected that the ratio of staff with 32.5 minimum contracted hours compared to staff with 35 minimum contracted hours weeks will reduce further by the end of this year.

As regards leave arrangements, there are a range of grades in the Central Bank with differing leave arrangements. The majority of staff (technical and general, bank officers and bank executives) are in the 22–24 day range. More senior staff/managers have a greater leave entitlement with the majority in that category being on the 28–29 day range. In practice many senior managers do not get to take their full leave entitlement and also make themselves available for contact when they are on leave.

The number of days annual leave attached to various staff grades at the Central Bank of Ireland are set out in the table below.

| Group                     | Grade  | Allowance  |
|---------------------------|--|--|
| Clerical & Administrative | Telephonist<br>Clerical Support<br>Bank Officer 2<br>Bank Officer 1                                  | 22 on entry<br>23 after 10 years service in the Bank |
|                           | Bank Executive<br>P4 — Programmer  | 22 on entry<br>23 after 6 years service in the Bank  |
| Professional              | Bank Professional 3/SEO<br>Vault Officer<br>P3 Analyst   | 28   |
| Management & Professional | Bank Professional 2/SAO<br>Bank Professional 1/Scale H<br>P1 — Senior Analyst<br>P2 — System Analyst | 29   |
| Senior Management         | Deputy Manager<br>Manager<br>Advisor<br>Senior Advisor   | 29   |
|                           | Governor<br>Deputy Governor<br>Director  | 31   |
| House Porters             | Porters<br>Driver<br>Assistant Head Porter<br>Head Porter  | 22   |

[Deputy Michael Noonan.]

| Group                | Grade   | Allowance  |
|----------------------|---|--|
| Currency Assistants  | Currency Assistants<br>Assistant Foreman Currency Assistant   | 22   |
|                      | Foreman Currency Assistant  | 22 on entry<br>23 after 5 years service in the Bank  |
| Cleaning             | Cleaner<br>Cleaning Supervisor<br>Deputy Cleaning Supervisor  | 22 on entry<br>23 after 15 years service in the Bank   |
| Catering             | Catering  | 22   |
|                      | Head of Catering  | 24   |
| Currency Checking    | Currency Checkers<br>Senior Currency Checkers   | 22   |
|                      | Currency Supervisors  | 22 on entry<br>23 after 5 years service in the Bank<br>25 after 10 years service in the Bank |
|                      | Senior Supervisors<br>Deputy Senior Supervisor  | 25   |
| Security             | Security Guards<br>Senior Guards  | 22+6+4 (+4 = 1 day for each 3 months continuous shift working)                               |
|                      | Chief Guard<br>Chief Security Supervisor  | 30   |
| Technical — Currency | M&GA, M&GS, MGAA<br>MGAI, MGCO, MTEC<br>Laboratory Assistant<br>Fitter, Electrician, Guillotine Operator<br>Assistant Print Supervisor<br>Assistant Engineering Supervisor<br>CCTV Supervisor<br>No. 1 & 2 Printer<br>Finishing Supervisor<br>Finishing Process Co-ordinator<br>Finishing staff<br>Senior Co-ordinator<br>Quality Assurance Supervisor (Mint)<br>Working Chargehand | 22   |
|                      | Chief Engineering Supervisor<br>Engineering Supervisor<br>Print Supervisor<br>Mint Supervisor   | 24   |

### Financial Services Regulation

101. **Deputy Michael McGrath** asked the Minister for Finance if businesses which offer debt management services to persons are required to be licensed and regulated by the Financial Regulator; and if he will make a statement on the matter. [11278/11]

**Minister for Finance (Deputy Michael Noonan):** Some financial service providers, currently authorised by the Central Bank provide debt advice to consumers e.g. mortgage brokers. Con-

sumers can confirm whether or not a financial service provider is authorised by checking the Register of Financial Service Providers on the Central Bank's website. However, there are also companies which offer debt advice and debt counselling services which are not registered or authorised by the Central Bank.

In the context of future legislation on financial regulation, I am examining the question of licensing companies that offer debt management services.

### Bank Guarantee Scheme

102. **Deputy Michael McGrath** asked the Minister for Finance the amount, by covered institution, of senior bonds repaid during the two year period of 30 September 2008 to 29 September 2010 of the Credit Institutions (Financial Support) Scheme 2008; and if he will make a statement on the matter. [11279/11]

**Minister for Finance (Deputy Michael Noonan):** The Central Bank of Ireland has advised me that the value of senior bonds that matured in the period between September 2008 and September 2010 is €70.3 billion

I do not have a breakdown by covered institution to hand as requested by the Deputy. I will however request a breakdown of guaranteed and unguaranteed senior bonds repaid during the above period from the covered institutions and forward it to the Deputy as soon as possible.

### Departmental Correspondence

103. **Deputy Joe Costello** asked the Minister for Finance further to Parliamentary Question No. 510 of 29 September 2010, if he will respond to correspondence (details supplied); and if he will make a statement on the matter. [11280/11]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that a full and detailed review of the circumstances arising in the case that the Deputy refers to has been completed. A copy of the outcome of the review has been sent to the Deputy.

### Electronic Invoicing

104. **Deputy Terence Flanagan** asked the Minister for Finance if he will meet with a company (details supplied); and if he will make a statement on the matter. [11300/11]

**Minister of State at the Department of Finance (Deputy Brian Hayes):** In 2010, the European Commission published a communication entitled: *Reaping the benefits of electronic invoicing for Europe* [Document Ref: COM (2010) 712 Final]. This communication sets out a number of actions to encourage the mass adoption of electronic invoicing. One such action is that eInvoicing be promoted at a national level and the National Procurement Service (NPS) in the Office of Public Works has been tasked with the establishment of a national multi-stakeholder eInvoicing forum for Ireland. The objectives of the Forum will be to promote eInvoicing at a national level and in particular:

- To advocate the use of e-invoicing, in particular by SMEs
- To co-ordinate existing and forthcoming initiatives to promote the uptake of eInvoicing and
- To monitor and set targets for the adoption of eInvoicing.

The Forum will hold its inaugural meeting at the end of this month and will report to a central European eInvoicing Forum on progress over the next three years. It is hoped that through the establishment of this Forum, eInvoicing will become the norm in all payments transactions.



[Deputy Brian Hayes.]

A list of the organisations that have been invited to propose nominations to the Forum is as follows:

- Department of Agriculture, Marine and Food
- Department of Enterprise, Jobs and Innovation
- Department of Finance
- Department of Justice and Equality
- Enterprise Ireland
- Health Services Executive
- Higher Education Authority
- Irish Business and Employers Confederation (and the Irish Software Association)
- Irish Small and Medium Enterprises Association
- Local Government Computer Services Board
- National Procurement Service
- National Standards Authority of Ireland
- Office of the Comptroller and Auditor General
- Office of the Revenue Commissioners
- Small Firms Association

Following its initial meeting, it is envisaged that the Forum will hold open meetings for interested parties to attend, such as eInvoicing operators, user groups and software suppliers. This will allow all the key stakeholders an opportunity to express their views. The company for which the details have been supplied to me should seek to participate in one of these open meetings. I suggest that this is the most appropriate method of progressing their proposals.

In addition to the establishment of the Forum by the NPS, the National Standards Authority of Ireland is also active at a European level in relation to the establishment of European standards in the area of eInvoicing.

### **National Debt**

105. **Deputy Terence Flanagan** asked the Minister for Finance the level of Ireland's debt; the amount owed by State controlled banks to the ECB; the projections for the next five years; and if he will make a statement on the matter. [11310/11]

107. **Deputy Michael McGrath** asked the Minister for Finance the anticipated nominal amount of the national debt, fully taking account the amount of capital invested to date and expected to be invested in the banks, at the end of each of the years 2011, 2012, 2013, 2014 and 2015. [11332/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 105 and 107 together.

At the end of 2010, Ireland's National Debt stood at €93 billion. The projections for the National Debt for the years 2011 to 2015, based on the budgetary forecasts contained in the Stability Programme Update that was submitted to the European Commission and published on 29 April, are set out in the table below.

It should be noted that the National Debt differs from the General Government Debt (GG Debt), which is the standard measure used within the EU for comparative purposes. The latter

includes the National Debt as well as Local Government debt and some other minor liabilities of Government. In addition, the GG Debt is a gross measure of debt; it does not allow for the netting off of cash balances (which had been built up considerably in recent years, so adding greatly to our GG Debt). As the GG Debt is the standard measurement of gross indebtedness used for comparative purposes within the EU, it is often referenced as a percentage of GDP. Ireland's GG Debt was estimated at 96 per cent of GDP at end-2010 or €148 billion. However, while General Government gross debt at end-2010 stood at €148 billion, net debt was lower. Taking account of the funds held in the discretionary portfolio of the National Pensions Reserve Fund and other liquid assets, General Government net debt is estimated to have stood at approximately €117 billion or 76 per cent of GDP at end-2010. The projections for the GG Debt based on the budgetary forecasts contained in the Stability Programme Update are also set out in the table below. The significant difference between the end-2010 National Debt and GG Debt is largely explained by the €31 billion in Promissory Notes committed to financial institutions in 2010. Due to the fact that the GG Debt operates on an accruals basis, this amount was added in full to the GG Debt in 2010 but the cash borrowing to fund these payments will only take place on a phased basis, beginning in 2011, and so only adds to the National Debt on a phased basis also.

The forecasts of General Government debt in the Stability Programme Update and the table below are based on cash balances being reduced by some €0.6 billion in 2011 and being held broadly constant at the end-2011 level over the course of 2012 and 2013. In the later years of the forecast period, the estimates of the General Government debt are based on cash balances being reduced by approximately €5.5 billion.

The recent banking stress tests carried out by the Central Bank identified an additional €24 billion in support to the banking sector as being required, including €3 billion of funds which take the form of contingent capital. However, it is anticipated that mitigating actions, such as burdening sharing, will mean that up to €5 billion of this €24 billion will not have to be provided by the State. At the same time, the projections set out below prudently assume that an additional €20 billion in State support to the banking sector will be required, with €10 billion of this being sourced from the National Pensions Reserve Fund and the balance funded by the Exchequer.

Public Debt 2011-2015

|                           | 2011 | 2012 | 2013 | 2014 | 2015 |
|---------------------------|------|------|------|------|------|
| National Debt (€ bns)     | 122  | 139  | 153  | 162  | 169  |
| General Govt Debt (€ bns) | 173  | 187  | 198  | 202  | 204  |

The Deputy has also asked for a figure for the amount owed by Government controlled banks to the ECB and the projections for this figure over the next five years. The Central Bank has disclosed that at the end of March borrowings from the ECB from the six covered institutions was €79.2 billion, down from €85.6 billion at the end of February, though there were also substantial borrowings from the Central Bank. No breakdown is published for these banks. As regards the projected position over the next five years, the recently announced deleveraging plans by the Central Bank outline how we intend to achieve the progressive elimination of the substantial dependence of these banks on Eurosystem funding.

### Departmental Agencies

106. **Deputy Dominic Hannigan** asked the Minister for Finance the number of State agencies or organisations under his remit which are paid up members of the Irish Business and Employers Confederation; the name of each agency or organisation; the amount each State

[ Deputy Dominic Hannigan.]

agency or organisation paid to the Irish Business and Employers Confederation for the years 2007, 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [11323/11]

**Minister for Finance (Deputy Michael Noonan):** The table below lists the bodies under the aegis of my Department, that are members of the Irish Business and Employers Confederation (IBEC), together with the amounts paid to that organisation in the years in question.

| Body  | Paid in 2007 | Paid in 2008 | Paid in 2009 | Paid in 2010 | Paid to Date in 2011 |
|---|--------------|--------------|--------------|--------------|----------------------|
|   | €            | €            | €            | €            | €                    |
| The Central Bank and Financial Services Authority /replaced by the Central Bank Commission in 2009* | 23,367       | 24,820       | 25,626       | 23,649       | 39,965*              |
| Financial Services Ombudsman Bureau   | 1,040        | 1,300        | 1,300        | 1,300        | 1,300                |
| Anglo Irish Bank**  | 23,940       | 27,922       | 26,746       | 42,290       | 24,818               |
| Irish Nationwide Building Society   | 14,354       | 13,471       | 13,944       | 15,475       | 17,479               |
| National Treasury Management Agency***  | 9,179        | 10,180       | 9,130        | 9,280        | Nil                  |

\*The sub for 2011 reflects an expanded membership which will result in savings on legal costs

\*\*The figures provided include amounts paid in annual membership fees and fees paid in respect of training courses.

\*\*\*Amounts paid in each year primarily relate to membership fees and in some years also includes fees for training courses and materials.

*Question No. 107 answered with Question No. 105*

#### **National Asset Management Agency.**

108. **Deputy John O'Mahony** asked the Minister for Finance the number of solicitors, estate agents and valuers that were appointed on the National Asset Management Agency panel to work on its behalf; and if he will make a statement on the matter. [11389/11]

109. **Deputy John O'Mahony** asked the Minister for Finance the names of the solicitors appointed on the National Asset Management Agency panel; and if he will make a statement on the matter. [11390/11]

110. **Deputy John O'Mahony** asked the Minister for Finance the names of the estate agents appointed on the National Asset Management Agency panel; and if he will make a statement on the matter. [11391/11]

111. **Deputy John O'Mahony** asked the Minister for Finance the number of solicitors and estate agents from the National Asset Management Agency panel that have been assigned work since it was set up; and if he will make a statement on the matter. [11392/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 108 to 111, inclusive, together.

I am advised by NAMA that all major contracts awarded by it since its inception have been awarded through [www.etenders.gov.ie](http://www.etenders.gov.ie), the website for Irish public tenders and have been fully compliant with standard public procurement procedures, which require that the most economically advantageous bid be accepted. The names of all NAMA's successful service providers are published on the NAMA website at [www.nama.ie/TendersIntro.php](http://www.nama.ie/TendersIntro.php).

As requested by the Deputy, a listing of the Legal Panels and the Real Estate Valuation Panel which is available on the NAMA website is included below.

A total of 42 Solicitor firms were appointed to the Enforcement and Re-financing Panel for both Ireland and the UK on 29th October 2010. To date 29 firms have been assigned work from this Panel.

A total of 64 Solicitor firms were appointed to the Legal Due Diligence Panel on 28th November 2009. To date 18 firms have been assigned work from this Panel.

A total of 24 firms were appointed to the Real Estate Valuation Panel on 29th December 2009. To date 23 firms have been assigned work from this Panel.

A number of these firms have been appointed to more than one Panel.

Appointment to a Panel for the Provision of Certain Legal Services to NAMA

| Group                       | Appointed  |
|-----------------------------|--|
| Ireland Enforcement Group 1 | A&L Goodbody Solicitors<br>Arthur Cox<br>Byrne Wallace<br>Eugene F. Collins<br>Eversheds O'Donnell Sweeney Solicitors<br>Gartlan Furey Solicitors<br>Maples and Calder<br>Matheson Ormsby Prentice<br>McCann Fitzgerald<br>Whitney Moore Solicitors<br>William Fry   |
| Ireland Enforcement Group 2 | A&L Goodbody Solicitors<br>Arthur Cox<br>Byrne Wallace<br>Eugene F. Collins<br>Eversheds O'Donnell Sweeney Solicitors<br>Gartlan Furey Solicitors<br>Hayes Solicitors<br>Lavelle Coleman Solicitors<br>LK Shields Solicitors<br>Maples and Calder<br>Matheson Ormsby Prentice<br>McCann Fitzgerald<br>McDowell Purcell Solicitors<br>Ronan Daly Jermyn Solicitors<br>Whitney Moore Solicitors<br>William Fry |
| Ireland Refinancing Group 1 | A&L Goodbody Solicitors<br>Arthur Cox<br>Byrne Wallace<br>Eugene F. Collins<br>Eversheds O'Donnell Sweeney Solicitors  |

[Deputy Michael Noonan.]

| Group                       | Appointed  |
|-----------------------------|--|
|                             | Gartlan Furey Solicitors<br>Matheson Ormsby Prentice<br>McCann Fitzgerald<br>William Fry   |
| Ireland Refinancing Group 2 | A&L Goodbody Solicitors<br>Arthur Cox<br>Beauchamps Solicitors<br>Byrne Wallace<br>Eugene F. Collins<br>Eversheds O'Donnell Sweeney Solicitors<br>Gartlan Furey Solicitors<br>Mason Hayes + Curran<br>Matheson Ormsby Prentice<br>McCann Fitzgerald<br>McDowell Purcell Solicitors<br>Ronan Daly Jermyn Solicitors<br>William Fry  |
| UK Enforcement Group 1      | A&L Goodbody Solicitors<br>Allen & Overy LLP<br>Arthur Cox<br>Ashurst LLP<br>Brodies LLP<br>Burness LLP<br>C&H Jefferson Solicitors<br>Carson McDowell<br>Denton Wilde Sapte LLP<br>DLA Piper UK LLP<br>Dundas & Wilson LLP<br>Herbert Smith LLP<br>Hogan Lovells International LLP<br>John McKee & Son Solicitors<br>Simmons & Simmons<br>Taylor Wessing LLP<br>Tods Murray LLP<br>Tughans Solicitors |
| UK Enforcement Group 2      | A&L Goodbody Solicitors<br>Allen & Overy LLP<br>Arthur Cox<br>Brodies LLP<br>Burness LLP<br>C&H Jefferson Solicitors<br>Carson McDowell<br>Denton Wilde Sapte LLP<br>DLA Piper UK LLP<br>Dundas & Wilson LLP<br>Eversheds LLP  |

| Group                  | Appointed   |
|------------------------|---|
|                        | Hogan Lovells International LLP<br>John McKee & Son Solicitors<br>MacFarlanes LLP<br>Nabarro LLP<br>Simmons & Simmons<br>Taylor Wessing LLP<br>Tods Murray LLP<br>Tughans Solicitors<br>Wragge & Co LLP   |
| UK Refinancing Group 1 | A&L Goodbody Solicitors<br>Allen & Overy LLP<br>Arthur Cox<br>Brodies LLP<br>Burges Salmon LLP<br>Burness LLP<br>Carson McDowell<br>Clifford Chance LLP<br>Denton Wilde Sapte LLP<br>DLA Piper UK LLP<br>Dundas & Wilson LLP<br>Eversheds LLP<br>Herbert Smith LLP<br>Hogan Lovells International LLP<br>John McKee & Son Solicitors<br>Nabarro LLP<br>Olswang LLP<br>Simmons & Simmons<br>Slaughter and May<br>Taylor Wessing LLP<br>Tods Murray LLP<br>Tughans Solicitors |
| UK Refinancing Group 2 | A&L Goodbody Solicitors<br>Allen & Overy LLP<br>Arthur Cox<br>Brodies LLP<br>Burges Salmon LLP<br>Burness LLP<br>Carson McDowell<br>Clifford Chance LLP<br>Denton Wilde Sapte LLP<br>DLA Piper UK LLP<br>Dundas & Wilson LLP<br>DWF LLP<br>Eversheds LLP<br>Hogan Lovells International LLP<br>John McKee & Son Solicitor<br>MacFarlanes LLP  |

[Deputy Michael Noonan.]

| Group | Appointed   |
|-------|---|
|       | Nabarro LLP<br>Olswang LLP<br>Simmons & Simmons<br>Taylor Wessing LLP<br>Tods Murray LLP<br>Tughans Solicitors<br>Wragge & Co LLP |

Appointment to a panel for the Provision of Legal Services in connection with the acquisition of bank assets by the National Asset Management Agency

| Appointed                                  | Appointed                              |
|--|--|
| 1. Alfred Thornton & Company Solicitors    | 33. Maples & Calder                    |
| 2. Andrew Crean-Lynch Solicitors           | 34. Mason Hayes & Curran               |
| 3. Arthur Cox                              | 35. Matheson Ormsby Prentice           |
| 4. Babington & Croasdaile Solicitors       | 36. McDowell Purcell Solicitors        |
| 5. BCM Hanley Wallace Solicitors           | 37. McGuire Desmond Solicitors         |
| 6. Beauchamps Solicitors                   | 38. McKeever Taylor                    |
| 7. Brian O'Donnell & Partners Solicitors   | 39. Michael Houlihan & Partners        |
| 8. Callan Tansey Solicitors                | 40. Murphy Mac Namara & Co             |
| 9. Cathal N Young O'Reilly & Co Solicitors | 41. Murray Flynn Maguire               |
| 10. Comyn Kelleher Tobin Solicitors        | 42. MW Keller & Son Solicitors         |
| 11. Dillon Eustace                         | 43. Nolan Farrell & Goff               |
| 12. Donnégans Solicitors                   | 44. °Flynn Exhams Solicitors           |
| 13. Eugene F Collins                       | 45. O'Rourke Reid law firm             |
| 14. Eversheds O'Donnell Sweeney            | 46. Orpen Franks Solicitors            |
| 15. Fitzgerald Solicitors                  | 47. O'Sullivan Barnicle Solicitors     |
| 16. G & D Walsh Solicitors                 | 48. O'Sullivan & Associates Solicitors |
| 17. Gallenalliance                         | 49. O'Sullivan Partners                |
| 18. Gartian Furey Solicitors               | 50. P J O'Driscolls & Solicitors       |
| 19. Gore & Grimes Solicitors               | 51. P J O'Driscoll & Sons Solicitors   |
| 20. Hayes Solicitors                       | 52. P O'Connor & Son Solicitors        |
| 21. Hegarty & Armstrong Solicitors         | 53. Richard Black Solicitors           |
| 22. Holmes O'Malley Sexton Solicitors      | 54. Ronan Daly Jermyn                  |
| 23. Ivor Fitzpatrick & Company Solicitors  | 55. Sheehan & Company                  |
| 24. James Riordan & Partners               | 56. Smith Foy & Partners               |
| 25. Kane Tuohy Solicitors                  | 57. Stephen MacKenzie & Company        |
| 26. Kilfeather & Co                        | 58. Stone Solicitors                   |
| 27. Lavelle Coleman                        | 59. Sweeney McGann                     |
| 28. Lavery Kirby Gilmartin Solicitors      | 60. T P Robinson Solicitors            |
| 29. Lennon Heather Solicitors              | 61. V P Shields Solicitors             |
| 30. Lewis C Doyle                          | 62. Vincent & Beatty Solicitors        |
| 31. Liston & Co                            | 63. Whitney Moore                      |
| 32. LK Shields Solicitors                  | 64. William Fry                        |

Appointment to a Framework for the Provision of Real Estate Valuation Services to National Asset Management Agency

| Group                                  | Appointed  |
|--|--|
| Lot 1 — Ireland (national coverage)    | CB Richard Ellis<br>Jones Lang Lasalle<br>Lisney<br>Savills  |
| Lot 2 — Ireland (Connaught)            | GVA Donal O’Buachalla<br>Lambert Smith Hampton<br>Rooney Auctioneers & Chartered Surveyors                     |
| Lot 3 — Ireland (Leinster & Dublin)    | Colliers Jackson Stop<br>Bannon<br>GVA Donal O’Buachalla<br>HWBC<br>WK Nowlan & Associates                     |
| Lot 4 — Ireland (Munster)              | Colliers Jackson Stop<br>GVA Donal O’Buachalla<br>Lambert Smith Hampton<br>Irish & European<br>Cohalan Downing |
| Lot 5 — Ireland (Ulster)               | Colliers CRE (Belfast)<br>Osborne King & Megran<br>BTW Shieils<br>Frazer Kidd & Partners                       |
| Lot 6 — Great Britain                  | Cushman & Wakefield<br>Gerald Eve<br>Knight Frank<br>CB Richard Ellis<br>Drivers Jonas<br>GVA Grimiey          |
| Lot 7 — USA (Coverage in major cities) | CB Richard Ellis<br>Colliers CRE<br>Cushman & Wakefield<br>Jones Lang Lasalle                                  |

### Departmental Responsibilities

112. **Deputy Mary Lou McDonald** asked the Minister for Finance the responsibilities of the Department of Public Expenditure and Reform. [11421/11]

144. **Deputy Mary Lou McDonald** asked the Minister for Finance the role and responsibilities of the sectoral policy and public service management development divisions and the modernisation unit of the Department of the Taoiseach. [11817/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 112 and 144 together.



[Deputy Michael Noonan.]

As indicated in my reply to a previous PQ, it was my intention that Minister Howlin and I would present the Ministers and Secretaries (Amendment) Bill for consideration by the Government at its meeting, today Tuesday, 17 May, with a view to publishing it as soon as possible thereafter.

In general terms, it is proposed that the following broad functions will be transferred to the Minister for Public Expenditure and Reform:

- the entirety of functions relating to the public service;
- public service reform functions which will, for the first time, be placed on a statutory footing;
- In terms of expenditure, the Minister for Public Expenditure and Reform will be responsible for managing public expenditure within the overall envelope set by the Government, while the Minister for Finance will retain responsibility for overall budgetary parameters.

Sectoral Policy Division deals with sectoral policy advice and formulation in conjunction with the responsible departments; public expenditure management issues, including the Annual Estimates, Annual Output statements and the multi-annual capital investment process; infrastructural investment and the National Development Plan; the elaboration of Frameworks and guidance to promote better value for money; aspects of policy in relation to commercial state bodies; policy on public-private partnerships; environmental policy; civil service organisational issues such as structures, staff numbers and administrative budgets; superannuation policy in the Public Service and co-ordination of pension matters within the Department and policy on Government contracts, e-procurement and the National Lottery.

Public Service Management Development Division deals with public service modernisation, public service pay and conditions and public service policy on HR, equality, recruitment and promotions, mobility and redeployment, ethics, freedom of information, decentralisation, IT, e-Government, telecommunications policy, Civil Service Training Centre and Language training.

The Public Service Modernisation Division of the Department of the Taoiseach is transferring to the new Department of Public Expenditure and Reform. That Division has principally been involved in co-ordinating, supporting and communicating the Public Service transformation programme, including through supporting the participation of the Taoiseach and Ministers in the relevant Cabinet Committee and the senior officials groups under that, and participating in the negotiation and implementation of the Public Service Agreement, as well as a broad range of other functions such as initiating the Senior Public Service (a leadership initiative) and the conduct of the Organisational Review Programme (where capacity of individual Government Departments is examined).

### **Tax Code**

113. **Deputy Peter Mathews** asked the Minister for Finance his plans to reduce the amount of mortgage interest on an investment property that can be written off against tax; and if he will make a statement on the matter. [11427/11]

**Minister for Finance (Deputy Michael Noonan):** I am informed by the Revenue Commissioners that in so far as an investment property is generally understood to be a property from

which the owner seeks to derive profits through lettings, a deduction is allowed (subject to certain conditions) for interest on borrowed money employed in the purchase, improvement or repair of the premises concerned. However, for interest accruing on or after 7 April 2009, the deduction, in the case of residential investment property, is restricted to 75% of the interest otherwise allowable.

As the Deputy will be aware there is no specific proposal in the Programme for Government to decrease the amount of interest on borrowings that can be offset against rental income for tax purposes, however, as a matter of course taxation measures and reliefs are reviewed on a regular basis and considered in the context of ongoing budgetary and economic policy.

### **Pension Provisions**

114. **Deputy Olivia Mitchell** asked the Minister for Finance if consideration is being given to the release of private pension funds, particularly to those who are in difficult financial straits and perhaps are unable to pay their mortgage; and if he will make a statement on the matter. [11428/11]

**Minister for Finance (Deputy Michael Noonan):** The Deputy's question is principally a matter for the Minister for Social Protection, but tax legislation and rules are also relevant to the issue. Generally speaking, once an occupational pension scheme member has at least two years qualifying service for pension purposes, that member is entitled under the Pensions Acts to preserved pensions benefits on leaving employment and does not get a refund of contributions.

The rationale for giving various tax reliefs to pension savings schemes in the first place is to encourage and promote savings over the long term in order that individuals will have an adequate replacement income in old age. Emerging demographic indicators point to increasing numbers of people living longer and healthier lives with more of their lives spent in retirement than previously.

I am conscious of the case being made for pre-retirement access to pension funds but there is also a strong case for maintaining the ring-fencing of pension savings to ensure that individuals have an adequate post-retirement income. This is not a simple matter and while I am open to examining it further, in conjunction with the Minister for Social Protection, it would require very careful consideration before any changes could be made to the current arrangements.

### **Public Service Staff**

115. **Deputy Charles Flanagan** asked the Minister for Finance if he intends to introduce a special incentive career break scheme, similar to that which obtained in 2009 as part of the Government's effort to achieve a reduction in spending on the pay bill with particular reference to the Department of Health and Children as contained in DOHC Circular S/146/99; and if he will make a statement on the matter. [11443/11]

**Minister for Finance (Deputy Michael Noonan):** As the Deputy will be aware the Special Civil Service Incentive Career Break Scheme 2009 was introduced as a once-off measure in the Supplementary Budget on 7 April 2009. The measure was extended to staff in different areas of the public service, including the local government sector and the HSE. The closing date for participation in this scheme has expired and there is no current proposal to extend this scheme.

### Company Closures

116. **Deputy Pádraig Mac Lochlainn** asked the Minister for Finance if he will confirm the action employees can take to be issued with a P45, when a company has ceased trading. [11462/11]

**Minister for Finance (Deputy Michael Noonan):** I am advised by the Revenue Commissioners that it is the responsibility of an employer to issue a P45 when an employee has ceased in employment. Part 1 of the P45 is given to Revenue to notify that the employment has ceased. Parts 2, 3 and 4 are given to the employee to give to their new employer to avoid paying emergency tax, to claim a refund of tax during unemployment or to claim Social Welfare benefits.

In this instance, Revenue has requested the company to issue P45s to all employees and has also endeavoured to have P45s issued in response to enquiries from individual employees. Revenue has not received P45s (Part 1) from the company since it ceased to trade.

The company in question has been dissolved on the Companies' Register with effect from 5 March 2010. As the company is no longer a legal entity, the employees are unable to take any action to be issued with P45s and Revenue cannot institute legal proceedings for failure to file a P35 as the company was dissolved before it ceased to trade.

However, although the company did not issue P45s, Revenue was able to assist some employees in regard to claims for refund of tax during unemployment and to avoid paying emergency tax in their new employments. Former employees of the company are now encouraged to contact Revenue's Donegal District, Government Offices, High Road, Letterkenny in order to establish how Revenue might be able to assist them with tax reviews of their 2010 income and also, where possible, provide documentation to assist with claims for social welfare benefits.

### Public Service Staff

117. **Deputy Mary Lou McDonald** asked the Minister for Finance the way he intends to do business and deliver services to citizens while reducing the number of public servants required to deliver said services each quarter. [11471/11]

118. **Deputy Mary Lou McDonald** asked the Minister for Finance the positions of the 15 employees whose jobs have been cut in the Taoiseach group between the end of quarter four 2010 and the end of quarter one 2011. [11472/11]

119. **Deputy Mary Lou McDonald** asked the Minister for Finance the positions of the 48 employees whose jobs have been cut in the Finance group between the end of quarter four 2010 and the end of quarter one 2011. [11473/11]

120. **Deputy Mary Lou McDonald** asked the Minister for Finance the positions of the 287 employees whose jobs have been cut in the Environment group between the end of quarter four 2010 and the end of quarter one 2011. [11474/11]

121. **Deputy Mary Lou McDonald** asked the Minister for Finance the positions of the 211 employees whose jobs have been cut in the Education group between the end of quarter four 2010 and the end of quarter one 2011. [11475/11]

122. **Deputy Mary Lou McDonald** asked the Minister for Finance the positions of the 12 employees whose jobs have been cut in Community, Equality and Gaeltacht Affairs between the end of quarter four 2010 and the end of quarter one 2011. [11476/11]

123. **Deputy Mary Lou McDonald** asked the Minister for Finance the positions of the 1,348 employees whose jobs have been cut in the Health group between the end of quarter four 2010 and the end of quarter one 2011. [11477/11]

124. **Deputy Mary Lou McDonald** asked the Minister for Finance the positions of the 81 employees whose jobs have been cut in Tourism, Culture and Sport between the end of quarter four 2010 and the end of quarter one 2011. [11478/11]

125. **Deputy Mary Lou McDonald** asked the Minister for Finance the positions of the 2,305 employees whose jobs have been cut in the Health group between the end of quarter four 2010 and the end of quarter one 2011. [11479/11]

126. **Deputy Mary Lou McDonald** asked the Minister for Finance the positions of the 30 employees whose jobs have been cut in Transport between the end of quarter four 2010 and the end of quarter one 2011. [11480/11]

127. **Deputy Mary Lou McDonald** asked the Minister for Finance the positions of the 40 employees whose jobs have been cut in Agriculture between the end of quarter four 2010 and the end of quarter one 2011. [11481/11]

128. **Deputy Mary Lou McDonald** asked the Minister for Finance the positions of the 18 employees whose jobs have been cut in Communications, Energy and Natural Resources between the end of quarter four 2010 and the end of quarter one 2011. [11482/11]

129. **Deputy Mary Lou McDonald** asked the Minister for Finance the positions of the 24 employees whose jobs have been cut in Foreign Affairs between the end of quarter four 2010 and the end of quarter one 2011. [11483/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 117 to 129, inclusive, together.

The Government is committed to continuing improvement in the efficiency of public services and, in order to achieve this, to formulate and promote policies which drive efficiency and effectiveness across the public service. As part of the Programme for Government, public service bodies have to adhere to targets in terms of numbers employed at the end of each year from 2011 to 2014. Returns for the first quarter of 2011 indicate that we are broadly on targets. Departments are also striving to provide an efficient, high quality service to customers, in particular by the re-organisation of work and priorities, by ensuring that they have, to the greatest extent possible, the necessary skills and expertise, systems and technology to address their needs and deliver required services. The continued co-operation of staff interests in accordance with the Croke Park Agreement is a vital element of this programme which will necessarily involve fewer staff delivering services, or delivering services in a different way.

I would also refer to the Deputy's questions (Reference Nos. 1472/11 to 1483/11) in relation to specific numbers reductions in various Departments and Vote Groups in the first quarter of 2011. These reductions are due to early and natural retirements, staff availing of unpaid leave for particular circumstances, those availing of time off under work/life balance schemes such

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as the Shorter Working Year scheme and to the normal turnover of staff at any given time of the year. As I have already indicated it is a matter for local managements to address service delivery issues with reduced numbers.

### **Departmental Expenditure**

130. **Deputy John McGuinness** asked the Minister for Finance if he will confirm the number of credit cards issued by him and to whom; the criteria for issuing such cards; the credit card company used; if a competitive process was used to select the company; if the facility has had to be withdrawn from any person; and if he will make a statement on the matter. [11556/11]

**Minister for Finance (Deputy Michael Noonan):** There are currently 5 departmental credit cards issued to officials in my Department. My Private Secretary and my Press Officer both have been issued with credit cards. These cards are used generally for official expenses in connection with travel, including accommodation and subsistence expenses, and official hospitality.

The three remaining cards are for the general usage of the Department in the purchase of a range of goods and services, mainly the online purchase of publications and for booking training courses and conferences.

I am not aware of any case in which the facility has had to be withdrawn. In the normal course, officials would surrender an official credit card when they are no longer dealing with the business function for which it was intended or when the card is no longer required for that purpose.

The credit card in use is Bank of Ireland Visa and this was awarded following a tendering process.

### **Tax Code**

131. **Deputy Brendan Griffin** asked the Minister for Finance if he is satisfied that the valuation for VAT purposes provided by the Valuation Office to Campus and Stadium Ireland Development Limited on 25 October 2002 is a valid valuation for VAT purposes; if it was appropriate for the NSCDA to allow the Supreme Court to rely on the valuation in the recent case that came before the Supreme Court; and if he will make a statement on the matter. [11584/11]

136. **Deputy Arthur Spring** asked the Minister for Finance if he is satisfied that the valuation for VAT purposes provided by the Valuation Office to Campus and Stadium Ireland Development Limited in 25 October 2002 is a valid valuation for VAT purposes; and if he is further satisfied that it was appropriate for the NSCDA to allow the Supreme Court to rely on the valuation in the recent case that came before the Supreme Court in June 2010. [11680/11]

**Minister for Finance (Deputy Michael Noonan):** I propose to take Questions Nos. 131 and 136 together.

The Valuation Office is the State property valuation agency, headed by the Commissioner of Valuation. The Office provides statutory valuations under the provisions of the Valuation Act, 2001. It also provides a valuation consultancy service to Government departments and public bodies.

On foot of a request, the Valuation Office provided a valuation for VAT purposes to the public body concerned, dated 25th October 2002.

The Commissioner of Valuation is independent in the exercise of his duties and I, as Minister for Finance, have no function in decisions in this regard.

It would not be appropriate for me to comment on how any proceedings that were before the Supreme Court in relation to this matter were conducted or on the outcome of any such proceedings, to which the Minister for Finance was not a party.

### Public Procurement Contracts

132. **Deputy Noel Grealish** asked the Minister for Finance the number of public contracts awarded to European companies and the number awarded to indigenous companies over the past five years; the monetary value of the projects awarded to European companies as opposed to indigenous companies for the past five years; and if he will make a statement on the matter. [11610/11]

**Minister of State at the Department of Finance (Deputy Brian Hayes):** The National Procurement Service (NPS), based in the Office of Public Works, is responsible for eProcurement and for the operation of the eTenders public procurement portal ([www.etenders.gov.ie](http://www.etenders.gov.ie)). On average 5000 tenders for the procurement of goods, services and works are advertised on eTenders every year. The overall procurement spend by the public sector amounts to an estimated value of between €14 and €16 billion per year.

Since 2009, the NPS has been responsible for producing annual statistical information in relation to above-EU threshold procurement activity by the Irish public sector and providing these statistics to the European Commission. Current thresholds (valid from January 2010 to December 2011) above which tenders must be advertised in the Official Journal of the European Union (OJEU) are as follows:

|   | €         | Threshold  |
|---|-----------|--|
| Works:                                  |           |  |
| Contract Notice                         | 4,845,000 | Threshold applies to Government Departments and Offices, Local and Regional Authorities and other public bodies. |
| Supplies and Services:                  |           |  |
| Contract Notice                         | 125,000   | Threshold applies to Government Departments and Offices  |
| Contract Notice                         | 193,000   | Threshold applies to Local and Regional Authorities and public bodies outside the Utilities sector.              |
| Utilities:                              |           |  |
| Works Contracts/Prior Indicative Notice | 4,845,000 | For entities in Utilities sectors covered by GPA   |
| Supplies and Services                   | 387,000   | For entities in Utilities sectors covered by GPA   |

The information that is available currently for the years 2005-2009 relates to *above-EU threshold contracts only* and is contained in the tabular statement below. Data in respect of 2010 will not be available until later this year. The Deputy should be aware that the figures contained in the table relates to the number of contracts placed which were above the EU Threshold for the year in question and must not be interpreted as indicative statistics for the overall procurement spend. It must also be borne in mind that these statistics relate only to above threshold

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procurements, where contract award notices were published, and where the nationality of the winning tenderer was disclosed.

For example, when considering the year 2009, €2.8 billion worth of expenditure was advertised in the Official Journal, out of the €15 billion public procurement spend in that year. Of this €2.8 billion, 12% went to non-domestic companies. The NPS estimates that less than 5% of the overall spend went to non-domestic suppliers, as a significant proportion of the overall procurement spend is below the EU threshold and is also below the threshold for advertising on eTenders (the eTenders threshold was €50,000 in 2009).

The figures for 2008 are broadly similar, but indicate that a higher number of above-threshold tenders were advertised in the OJEU. The EU Commission has agreed that the figures for 2008 can be taken to indicate, “about 95% of all procurement by value was from domestic suppliers”.

It should be noted that the statistics do not distinguish between companies in the UK and those based in Northern Ireland, so of the contracts going “abroad”, many of the contracts may have stayed on the island of Ireland.

It should also be noted also that all the statistics relating to non-domestic suppliers relate to suppliers with an address in countries other than Ireland and do not distinguish between European and non-European suppliers.

## Above Threshold Contracts awarded to Irish and non-domestic suppliers 2005-2009

|                             | 2005             |            | 2006             |            | 2007             |            | 2008             |            | 2009             |            |
|-----------------------------|------------------|------------|------------------|------------|------------------|------------|------------------|------------|------------------|------------|
|                             | No. of Contracts | Value €000 | No. of Contracts | Value €000 | No. of Contracts | Value €000 | No. of Contracts | Value €000 | No. of Contracts | Value €000 |
| Irish Suppliers             | 487              | 1,953,630  | 800              | 2,682,751  | *                | 4,786,975  | 1,016            | 4,217,564  | 777              | 2,2537,622 |
| Non-Domestic Suppliers      | 102              | 458,604    | 151              | 1,039,696> | *                | 513,146    | 296              | 568,338    | 170              | 347,137    |
| Total                       | 589              | 2,412,234  | 951              | 3,722,447  |                  | 5,300,121  | 1,312            | 4,785,902  | 947              | 2,885,759  |
| % to Non-Domestic Companies |                  | 19.01%     |                  | 27.93%     |                  | 9.68%      |                  | 11.88%     |                  | 12.03%     |

\*Numbers not available for 2007 contracts.



### Departmental Agencies

133. **Deputy Dara Calleary** asked the Minister for Finance if he is satisfied that the highest possible standards of human resource management are in place across all agencies of his Department including the National Asset Management Agency; and if his attention has been drawn to any serious HR issues in any of these agencies including NAMA. [11623/11]

**Minister for Finance (Deputy Michael Noonan):** The day-to-day management, including the human resource function, of all of the agencies under the remit of my Department is a matter for the respective heads of the agencies concerned. However, with specific regard to NAMA, Section 42(1) of the National Asset Management Agency Act, 2009 provides that the NTMA shall assign so many of its staff to NAMA as the Board determines, upon the recommendation of the Chief Executive officer of NAMA, after consultation with the Chief Executive of the NTMA, to be necessary for the performance by NAMA of its functions under this Act.

Sections 7(1–3) of the National Treasury Management Agency Act, 1990 provides:

(1) that the Agency may appoint such, and such numbers of, persons to be members of the staff of the Agency as it may determine.

(2) (a) A member of the staff of the Agency (other than the Chief Executive) shall be paid, such remuneration (including allowances for expenses and benefits-in-kind) as the Agency may determine.

(2) (b) A member of the staff of the Agency referred to in *paragraph (a)* shall hold his office or employment on such other terms and conditions as the Agency may determine.

(3) The categories of the staff of the Agency and the numbers of staff in each category shall be determined by the Agency.

### Credit Guarantee Scheme

134. **Deputy Dara Calleary** asked the Minister for Finance the 2011 budget for the proposed temporary partial credit guarantee scheme as announced by him on 10 May 2011; and his implementation plan for such a scheme. [11624/11]

**Minister for Finance (Deputy Michael Noonan):** As I indicated last week, in accordance with the commitment in the Programme for Government, we will be initiating a tendering process for the development of a temporary, partial credit guarantee scheme.

The design of the scheme will draw from international experience to support new lending that would not otherwise have been extended by the banks. In this way, the scheme will complement, rather than be a substitute for, existing lending activities by the main financial institutions. It will be designed to encourage banks to lend to new or expanding commercially viable SMEs so that they can grow their company, develop new products or expand into new markets.

The Government's commitment will be for an initial period of one year. Specific performance criteria will be set down that allow for review and revision of the scheme at the end of that initial period before committing to a roll-over of the scheme for subsequent years. There will be a modest and known level of exposure to the taxpayer when the scheme is launched but I will be expecting to see a significant positive knock-on benefit to the economy in terms of job creation, welfare savings and returns to the Exchequer by way of tax revenue generated.

The Minister for Enterprise, Jobs and Innovation and I will develop this proposal further with our officials. It is our intention to announce the details of the scheme in June with a view

to having a targeted scheme in place by the autumn. Until this proposal has been further developed, it is not possible to fix a budget for the scheme.

### Tax Code

135. **Deputy Mary Lou McDonald** asked the Minister for Finance if he will consider reducing the rate of the VAT applied on the sale of hurleys to help struggling GAA clubs promote the State national game. [11675/11]

**Minister for Finance (Deputy Michael Noonan):** I would point out that the VAT rating of goods and services is subject to the requirements of EU VAT law, with which Irish VAT law must comply. The rate of VAT applicable to the supply of hurleys is the standard rate, which in Ireland is 21%. Under EU law there is no scope for applying a reduced rate of VAT to the supply of hurleys or other sports equipment.

*Question No. 136 answered with Question No. 131.*

### State Laboratory

137. **Deputy Seán Kenny** asked the Minister for Finance the number of vacancies in the State Laboratory; and his plans to fill these positions. [11739/11]

**Minister for Finance (Deputy Michael Noonan):** There are currently no vacancies in the State Laboratory.

### Public Sector Employment Policy

138. **Deputy Ciarán Lynch** asked the Minister for Finance his policy on the employment in the public sector of former employees who have left the service through redundancy or retirement; the number of former public sector workers who have been re-employed whether on contract or on a temporary basis; the grade they previously held; if they are re-employed on the equivalent grade; and if he will make a statement on the matter. [11761/11]

**Minister for Finance (Deputy Michael Noonan):** It is a general condition of the Incentivised Scheme of Early Retirement (ISER) that persons availing of this Scheme will not be eligible for re-employment in the same part of the public service. In order to ensure compliance with the provisions of the form of acceptance, Departments and other Public Service employers must inquire of relevant future job applicants if they have availed of the terms of this Scheme. If the person was formerly in the Civil Service and availed of the ISER, s/he is ineligible for subsequent re-employment in the Civil Service. Similar restrictions apply elsewhere in the Public Service. However, if the person retired from another area of the Public Service under a similar ISER and is subsequently employed in a Civil Service Department, that Department must inform the person's former employer to this effect. The former employer will abate the pension so that s/he receives no more by way of pension and salary than the pay s/he would have received had s/he remained in the former employment. (In the event that the pay in the new employment equals or exceeds that of the former employment, the pension will cease.) This abatement will apply until the employee reaches the maximum pension age under the former employer's pension scheme (my Department's Circular 12/2009 refers). There is provision for staff to be re-employed in the same area in exceptional circumstances (e.g. in the case of a staff member with specialist skills who might be permitted to be re-engaged for a very limited period — again subject to abatement of pension).

In the case of the HSE's more recent Voluntary Early Retirement (VER) scheme, those who availed of that scheme are not eligible for re-employment in the Public Service as the terms

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and conditions provide for an absolute prohibition on re-employment in the Public Service (the Department of Health & Children Circular 07/2010 refers). Those who availed of the HSE's recent Voluntary Redundancy (VR) Scheme (also covered by Circular 07/2010) are not eligible for re-employment in the Public Service for 7 years, following which the specific consent of the Minister for Finance is required for applications for re-employment. The restrictions also apply to re-employment on a contract for service basis in respect of all schemes.

Information is not held centrally on the former employment status of all public service employees. It would not therefore be possible to provide the specific details sought by the Deputy.

### **Financial Services Regulation**

139. **Deputy Maureen O'Sullivan** asked the Minister for Finance if he is satisfied that the corporate governance structures at a company (details supplied) where the roles of chief executive officer and chairman of the board are held by the same person are appropriate to a large financial services company providing a range of insurance products here in view of what has been learned regarding the necessity of applying best practice in corporate governance over the decade prior to his entering office; and if he will make a statement on the matter. [11762/11]

**Minister for Finance (Deputy Michael Noonan):** At the outset, the Deputy should note that while I have responsibility as Minister for Finance for the development of the legal framework governing financial regulation, the day to day responsibility for the supervision and authorisation of financial institutions is a matter for the Central Bank which is statutorily independent in the exercise of its regulatory functions. I therefore will have no input or influence over the authorisation of the company in question.

I understand however that the authorisation process will take 12 weeks to process from receipt of application by the Central Bank. As part of that process the company will have to be able to demonstrate amongst other things that it will be in a position to comply with the Central Bank's new Corporate Governance code on an ongoing basis which has been designed to address many of the lessons learned over the last decade.

### **Departmental Schemes**

140. **Deputy Ray Butler** asked the Minister for Finance further to Parliamentary Question No. 136 of 12 April 2011, if an update is available on the timescale involved for the signing of the commencement order for the employment and investment incentive; if it will be fast tracked in any way in view of the fact that businesses are anxiously awaiting this decision based on the simplified certification requirements and the increase in the limits that can be raised compared to the BES scheme; and if he will make a statement on the matter. [11772/11]

**Minister for Finance (Deputy Michael Noonan):** As I indicated to the Deputy in my previous response of 12th April, the approval of the European Commission is required before the new scheme can be commenced.

My officials are engaged in ongoing discussions with the European Commission with regard to the proposed changes. I can assure the Deputy that the scheme will be implemented as soon as possible once approval has been received. However, it is not possible to stipulate when that might be.

### **Financial Services Regulation**

141. **Deputy John Halligan** asked the Minister for Finance if he will compel those banks that

are now in State ownership to repay the payment protection insurance which they wrongly sold alongside personal loans, credit cards and mortgages to all those persons who are self-employed, unemployed, seasonal workers or unable to work due to illness; if he will order the banks to conduct a cost analysis into the amount this payout is going to cost the taxpayer; the time frame for the completion of this analysis; and if he will make a statement on the matter. [11790/11]

**Minister for Finance (Deputy Michael Noonan):** The Central Bank of Ireland's Consumer Protection Code requires that a regulated entity must ensure that in all its dealings with customers and within the context of its authorisation it, inter alia, must:

- Act honestly, fairly and professionally and in the best interests of its customers and the integrity of the market;
- Act with due skill, care and diligence in the best interests of its customers;
- Not recklessly, negligently or deliberately mislead a customer as to the real or perceived advantages or disadvantages of any product or service.

Any breach of the Consumer Protection Code may be considered under the Central Bank's Administrative Sanctions Procedure. If a consumer feels that they have been improperly treated or has grounds for complaint for some other reason, they may make a complaint to the institution directly. If the complainant feels the issue has not been addressed to their satisfaction they may refer the complaint to the Financial Services Ombudsman. The Ombudsman will adjudicate on the complaint on the basis of the regulatory requirements on the firm.

The Consumer Protection Division of the Central Bank is conducting a themed inspection of Payment Protection Insurance (PPI) policies sold to consumers who would not have been eligible to make an unemployment/redundancy claim under the policy and the information should have been known or gathered at the time of the sale. This will be achieved by reviewing both the claim file for declined claims alongside the relevant sale file for the policy. Feedback will be issued in the form of a letter to the industry following the review, together with suggested proposed changes, if any are identified, to current practices. In addition, if it is necessary and if it is found that firms are not in compliance, the appropriate regulatory action will be taken.

### **Banking Sector**

142. **Deputy Shane Ross** asked the Minister for Finance the number of expressions of interest or responses he has received to his requests for interests in board vacancies at the banks; the number of candidates who fulfilled the necessary criteria; if all responses will receive replies; the persons who will be conducting the interviews; if the final decision on the appointments will rest with the Government or Minister; if the Government will be bound by any recommendations from any chosen interviewing group; the number of vacancies that exist at the banks boards; and if the Government can ignore all the candidates and parachute their own chosen directors into the vacancies without being subject to the interview process. [11811/11]

**Minister for Finance (Deputy Michael Noonan):** In excess of 500 expressions of interest were received by the closing date of last Thursday 12th May 2011 in response to the media advertisement of 28th April 2011. I would like to express my appreciation to those individuals who took the time and effort to submit applications.

The Deputy will understand that at this early stage it would not be possible to indicate the number of candidates who fulfilled the necessary criteria. All applications will receive due

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consideration as part of the process of identifying suitably qualified people for selection and have been acknowledged. As the numbers are so high, it may not be practicable to respond individually to each expression of interest.

The next stage in the process is shortlisting to bring the applications down to a more manageable number. It will take some time to go through this level of applications evaluating them against the specified criteria though this part of the process will be undertaken as speedily as possible.

What the Government has sought to do here, as part of its reform agenda and in tandem with its proposals for the appointment of directors to State boards, is to broaden the candidature from which such appointments may be made. Based on the number of expressions of interest received this has been achieved. From a quick examination, the expressions of interest come from a variety of disciplines with the common thread of some financial sector experience. The vast majority would appear to have supplied Irish addresses but there has been some minor interest from outside the country from both Irish people living abroad and non-nationals. I would hope that a number of candidates will emerge from this process that would be suitable for consideration for appointment to the board of a covered institution.

It is imperative that individuals of high calibre and competency are appointed to such positions. Accordingly, it would not be wise or prudent for the Government to rely solely on this process for the appointment of directors to the covered institutions as further qualified people will inevitably emerge from other avenues that would merit serious consideration. The final decision on who to nominate to fill such vacancies must rest with the relevant Minister or the Government but a wider range of candidates, who will have gone through a selection process, will now be available for consideration. This is a major departure, I'm sure the Deputy will agree, from the practice heretofore which was adopted up to now.

It is not possible to be precise on the number of vacancies to be filled but there are a range of vacancies across a number of the 6 covered institutions. In my statement on the Nyberg Report on 20 April 2011, I indicated that I have asked each institution to supply a Board Renewal Plan to include, amongst other matters, a programme of rotation of board members commencing with those appointed before September 2008. As the Minister for Finance presently is the major, majority, or full shareholder or has controlling interest in 5 of the 6 institutions there is scope for the best interest of the taxpayer and the institution to be at the forefront in deciding the number and timing of such vacancies.

### **Departmental Appointments**

143. **Deputy Mary Lou McDonald** asked the Minister for Finance the positions held by a person (details supplied) recently appointed as Secretary General of the Department of Public Expenditure and Reform, within the Department of Finance before and after his employment at a company and the consultancy contracts undertaken by the company on behalf of the Department of Finance over the past ten years. [11816/11]

**Minister for Finance (Deputy Michael Noonan):** I refer the Deputy to PQ 10416/11 which was answered in written format to the Deputy on Tuesday, 12 May 2011 and which contains the bulk of the information requested.

In addition, the individual mentioned in the Deputy's question had the following career history with my Department:

| Date     | Position Held in Department of Finance                        |
|----------|---|
| 06/12/93 | Appointed Administrative Officer — Budget & Economic Division |
| 15/01/99 | Promoted to Assistant Principal — Budget & Economic Division  |
| 30/03/01 | Resigned  |

*Question No. 144 answered with Question No. 112.*

### **Prize Bonds**

145. **Deputy Eoghan Murphy** asked the Minister for Finance the protections in place for persons who have invested in prize bonds and the Post Office in the event of our financial situation becoming more precarious. [11820/11]

**Minister for Finance (Deputy Michael Noonan):** All State Savings money is placed directly with the Irish Government, and repayment of all NTMA State Savings money, which includes principal, interest and bonus payments if due (or, in respect of Prize Bonds, cash prizes), is a direct, unconditional obligation of the Government of Ireland.

State Savings is the brand name used by the National Treasury Management Agency (NTMA) to describe the range of savings products offered by the NTMA to personal savers.

The suite of State Savings products includes Savings Certificates, Savings Bonds, Prize Bonds, National Solidarity Bond, Instalment Savings and Deposit Accounts such as the Ordinary Deposit Account and the Deposit Account Plus.

An Post and the Prize Bond Company are agents of the NTMA for the operation of the State Savings schemes. However, neither An Post nor the Prize Bond Company retain or manage any State Savings money. All State Savings money is a part of the national debt which is under the management of the National Treasury Management Agency.

NTMA State Savings products have been an important and dependable component of Government borrowing for many years and make a valuable contribution to the national finances.

### **Health Insurance**

146. **Deputy Eoghan Murphy** asked the Minister for Finance his views on a proposal regarding the VHI health insurance premiums and income tax (details supplied). [11825/11]

**Minister for Finance (Deputy Michael Noonan):** The position is that health expenses relief is granted at the standard rate only, in respect of expenses incurred from 1 January 2009 except for nursing home expenses which continue to be granted at the marginal rate (up to 41%). Further information can be found in leaflet IT6 and Tax Briefing 68 on [www.Revenue.ie](http://www.Revenue.ie)

It should be noted that the Finance Act 2010 also allows relief at the marginal rate in respect of private contributions made towards the cost of the upkeep of an individual under the Fair Deal Scheme for nursing home care.

Section 470 of the Taxes Consolidation Act 1997 provides for income tax relief in respect of payments made to authorised insurers under relevant contracts in respect of medical insurance and dental insurance. Income tax relief is granted at the standard rate of tax and is generally granted at source under the Tax Relief at Source system (TRS).

In order to provide additional assistance to those aged 60 years or more, additional tax credits are made available under section 470B of the Taxes Consolidation Act 1997 where

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medical insurance is renewed or entered into. The amount of these additional tax credits was increased by section 9 of the Finance Act 2011 and is now €625 where the individual is aged between 60 and 70 years; €1,275 where the individual is aged between 70 and 80 years; and €1,725 where the individual is aged over 80 years. These additional tax credits are also given under the TRS system.

The universal social charge (USC) was introduced with effect from 1 January 2011. USC applies to gross income without any provision for tax credits or reliefs for expenditures such as pension contributions or medical expenses. There is an exempt annual threshold of €4,004 (€77 per week). However, where this threshold is exceeded, the entire amount is chargeable.

The standard rates of charge are:

- 2% on the first €10,036,
- 4% on the next €5,980, and
- 7% on the balance.

The USC does, however, provide relief for those who are in possession of a full medical card or a Health Amendment Act card or who are aged 70 years or over in that the maximum rate of charge of USC for individuals in receipt of employment or pension income is capped at 4% irrespective of the level of their income. In the case of individuals who are in receipt of income subject to the self-assessment system of taxation, this 4% rate increases to 7% where an individual's income from self-employment exceeds €100,000.

A comprehensive publication of “Frequently Asked Questions” (FAQs) in relation to the USC has been posted on the Revenue website and is updated at regular intervals.

This charge is separate from income tax.

I should point out that there is no proposal in the Programme for Government to allow income tax relief or USC relief at the marginal rate in respect of healthcare costs or health insurance premiums.

However, as a matter of policy, taxation measures are reviewed on a regular basis as part of the annual Budget and Finance Bill process.

### **Tax Code**

147. **Deputy Eoghan Murphy** asked the Minister for Finance if he has considered a proposal to tax children's allowance as an alternative to means testing the children's allowance; and if he will make a statement on the matter. [11827/11]

**Minister for Finance (Deputy Michael Noonan):** The position is that there is no specific proposal in the Programme for Government to means test or tax child benefit payments.

However, as a matter of policy, taxation measures are reviewed on a regular basis as part of the annual Budget and Finance Bill process.

### **Bank Executives' Compensation**

148. **Deputy Eoghan Murphy** asked the Minister for Finance if a proposal (details supplied) has been brought to his attention regarding the Irish bank executives' compensation (details supplied); and if he will make a statement on the matter. [11828/11]

**Minister for Finance (Deputy Michael Noonan):** The Deputy may wish to note in relation to the matter of remuneration at the covered institutions that the NTMA have recently, on behalf of my Department, requested the CEOs of each of the covered institutions to review remuneration policy and practices in their institutions. In this context the covered institutions have been requested to consult with my Department in advance of giving any additional commitments on redundancy payments. The institutions have also been asked to consider measures that could be undertaken to align staff expectations with regard to benefits/remuneration to the changed economic environment and the financial circumstances of the banks.

### Public Sector Pay

149. **Deputy Catherine Murphy** asked the Minister for Finance when the review of the Financial Emergency Measures in the Public Interest (No. 2) Bill 2009 will take place; the length of time the review will take; when the results of this review are likely to be prepared and laid before the Houses of the Oireachtas; and if he will make a statement on the matter. [11842/11]

**Minister for Finance (Deputy Michael Noonan):** The Financial Emergency Measures in the Public Interest (No.2) Act, 2009 provided for the reduction in remuneration of public servants with effect from 1 January 2010. Section 7 of the Act requires that the Minister for Finance undertake a review of the operation, effectiveness and impact of this Act, having regard to the overall economic conditions in the State and national competitiveness, before 30 June 2011. It is my intention, in accordance with the requirements of the Act, to lay a written report of the outcome of the review to each House of the Oireachtas shortly thereafter.

150. **Deputy Catherine Murphy** asked the Minister for Finance his views whether the stated purpose of the Financial Emergency Measures in the Public Interest (No. 2) Bill 2009, to reduce the significant shortfall between expenditure and revenue is served by applying section 2 to workers paid exclusively through privately raised funds in fee-paying school but who are classified as public servants for the purpose of the Bill, thus decreasing tax revenue for the State; and if he will make a statement on the matter. [11843/11]

**Minister for Finance (Deputy Michael Noonan):** The Financial Emergency Measures in the Public Interest (No. 2) Act 2009 provides for the reduction in the pay rates of all persons employed by public service bodies within the meaning of the Act with effect from 1 January 2010. Such reductions apply irrespective of whether a particular post is funded in whole or in part through non-Exchequer funds or income.

The staff of recognised schools are, whether employed in recognised public or private schools, deemed to be public servants within the meaning of and for the purposes of the Financial Emergency Measures in the Public Interest (No. 2) Act 2009. This position has been confirmed by legal advice.

Differentiation between workers paid exclusively through privately raised funds in recognised fee-paying schools and those funded in whole or in part through Exchequer funds would create difficulties as there is a variety of staff across the education sector who are employed by public service bodies but who are either wholly or partly funded from non-Exchequer sources. Within this cadre, there are also staff undertaking the same or similar duties to staff who are fully Exchequer funded. It would be inequitable and inappropriate to exempt the staff paid exclusively through privately raised funds from the pay reductions while other staff continued to be subject to the legislation.



### Tax Code

151. **Deputy Catherine Murphy** asked the Minister for Finance if there is a mechanism or provision whereby private fee-paying schools who are in receipt of public funds and who are subject to section 2 of the Financial Emergency Measures in the Public Interest (No. 2) Bill 2009 can extend the exemption in section 6 to workers who are paid exclusively through privately raised funds; and if he will make a statement on the matter. [11844/11]

**Minister for Finance (Deputy Michael Noonan):** The staff of recognised private fee-paying schools are deemed to be public servants for the purposes of the Financial Emergency Measures in the Public Interest (No. 2) Bill 2009. This position has been confirmed by legal advice. It is of course open to such schools to make a formal application seeking an exemption under Section 6 of the Act from the relevant Minister.

The former Minister for Finance approved a temporary exemption under Section 6 of the Financial Emergency Measures in the Public Interest (No. 2) Act for certain categories of workers in the education sector (which included certain staff such as caretakers and secretaries) until 31 December 2010. Accordingly, the Financial Emergency Measures in the Public Interest (No. 2) Act has been applied to those specific categories of workers in the education sector since 1 January 2011 in contrast to all other persons employed by organisations deemed to be “public service bodies” for the purposes of the Act for whom the reductions have applied since 1 January 2010.

Section 7 of the Financial Emergency Measures in the Public Interest (No. 2) Act provides that the Minister shall, before 30 June 2011 and every year thereafter, carry out a review of the operation, effectiveness and impact of the Act, having regard to the overall economic conditions in the State and national competitiveness. That review will not however involve the consideration of the position of individual or groups of public servants within the meaning of the Act.

### EU-IMF Programme

152. **Deputy Finian McGrath** asked the Minister for Finance if it is correct that US Treasury Secretary Geithner vetoed the haircut at a G7 conference; and if he will make a statement on the matter. [11854/11]

**Minister for Finance (Deputy Michael Noonan):** Ireland is not a member of the G7, and does not participate in its discussions. I therefore have no record of the matter raised in the question. I do understand that there have, from time to time, been discussions about Ireland among various parties. However, Ireland’s engagement in relation to our EU/IMF programme of support has been principally with the IMF and the EU institutions, along with the member states concerned.

### Residential Institutions Redress Board

153. **Deputy Noel Grealish** asked the Minister for Education and Skills the position regarding the €110 million that had been allocated for children that resided in schools and orphanages, which is not covered under the Redress Board; when he plans to allocate this funding; and if he will make a statement on the matter. [11615/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Following publication of the Ryan Report in May 2009, the then Government and Dáil Éireann called on the Congregations to commit to making further substantial contributions by way of reparation. In response the Congregations offered additional contributions, including cash and various property transfer

proposals. In April 2010, the then Government announced its intention to utilise the cash element of €110m of the congregations' offers of contributions, to establish a Statutory Fund to support the needs of survivors of residential institutional child abuse.

Having undertaken a comprehensive consultation process in relation to the proposed Statutory Fund, my Department has prepared proposals, together with a General Scheme of a Bill to provide for the Statutory Fund. I am considering these proposals and intend discussing them with my Cabinet colleagues in the near future.

To date €20.6m has been received and placed in a special interest bearing account in the Central Bank pending the establishment of the Statutory Fund. The remaining congregations are awaiting confirmation that the legislation will provide for the charitable status of their contributions to the Fund or sight of the proposed terms and structure of the Fund, prior to making their initial contributions. The offers of contributions envisaged that the cash contributions would be made over a period of years.

### School Accommodation

154. **Deputy Patrick O'Donovan** asked the Minister for Education and Skills the position regarding an application in respect of a school (details supplied) in County Limerick. [11166/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school to which the Deputy refers has recently applied to my Department seeking funding to provide additional accommodation.

This application is currently being assessed. Officials in my Department will convey a decision on the application to the school authority when the assessment process has been completed.

### Schools Refurbishment

155. **Deputy Dara Calleary** asked the Minister for Education and Skills the extra schools in County Mayo that have been included in the summer works scheme 2011 as a result of the extra funding announced in the jobs initiative. [11194/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I am pleased to inform the Deputy that 12 primary and post primary schools were successful under this year's Summer Works Scheme.

Details of the successful applicants under the 2011 Summer Works Scheme were announced on 30th March 2011 and are published on the Department's website, *www.education.ie*. €41.2m will be made available under the summer works scheme and will see major improvements in primary and post primary schools around the country including Co. Mayo. 453 primary and post primary schools across the country have been successful in their applications for funding under the Summer Works Scheme this year.

I am also pleased to inform the Deputy that 22 applications from schools in County Mayo were successful under the Jobs Initiative announced on 10th May 2011 and are published on the Department's website, *www.education.ie*. €40 million will be made available through the Jobs Initiative to fund 374 primary and post primary school building projects. These funds will allow schools to carry out small and medium scale building works such as special needs access, toilet facilities, roof works and window replacements. It is envisaged that the investment will also create 2,400 direct and 480 indirect much needed jobs in the construction sector.

[Deputy Ruairí Quinn.]

I have set out below lists of all successful applications for Co. Mayo under both Schemes for the Deputies convenience.

SWS 2011 March 2011

| County | Roll No. | Name and Address of School           | Project    |
|--------|----------|--------------------------------------|------------|
| MAYO   | 07054L   | Cullen's N. S. Knockduff             | Mechanical |
| MAYO   | 07075T   | S N Naomh Feichin an Crois           | Electrical |
| MAYO   | 13080V   | Kilmovee N. S. Ballaghadeerreen      | Mechanical |
| MAYO   | 13797U   | Lecanvey N. S. Westport              | Mechanical |
| MAYO   | 14258S   | Cill Mhor Iorrais Beal an Mhuirthead | Mechanical |
| MAYO   | 14808E   | Irishtown N. S. Claremorris          | Mechanical |
| MAYO   | 15257V   | Quignamanger N. S. Ballina           | Mechanical |
| MAYO   | 15539I   | St John's N.S. Lugboy                | Mechanical |
| MAYO   | 18876S   | Ballycushion N.S. Ballycushion       | Mechanical |
| MAYO   | 19402B   | Ballyvary Central N. S., Ballyvary   | Electrical |
| MAYO   | 19951L   | Swinford N.S., Swinford              | Mechanical |
| MAYO   | 64510J   | St Muredach's College, Sligo Road    | Gas        |
| MAYO   | 72020L   | Moyne College, Ballina               | Mechanical |

Capital Jobs Initiative May 2011

| County | Roll No. | Name and Address of School                                | Project        |
|--------|----------|---|----------------|
| MAYO   | 13389F   | SN an Trian Lair, Swinford                                | Roofs          |
| MAYO   | 13667H   | SN Muine Chonallain, Ballina                              | Roofs          |
| MAYO   | 13945J   | Eskeragh N. S., Dooleg, Ballina                           | Access For All |
| MAYO   | 16283E   | S N Pol A Tsomais, Ballina                                | Access For All |
| MAYO   | 17098O   | S N Tighearnain Naofa, Via Crossmolina P.O.               | Roofs          |
| MAYO   | 17585C   | S N Beal Caradh, Belcarra                                 | Roofs          |
| MAYO   | 17922R   | Cloghan's Hill N. S., Tuam                                | Roofs          |
| MAYO   | 18542M   | S N Naomh Pdraig, Castlebar                               | Roofs          |
| MAYO   | 19324H   | S N Teaghlaigh Naofa, Louisburg                           | Access For All |
| MAYO   | 19911W   | St Patrick's Central N.S., Kilmaine                       | Toilets        |
| MAYO   | 19972T   | S N Uileog De Burca, Clar, Claremorris                    | Roofs          |
| MAYO   | 64500G   | Balla Secondary School, Balla, Castlebar                  | Toilets        |
| MAYO   | 64590K   | Naomh Iosaef, Clochar na Trócaire, Castlebar              | Windows        |
| MAYO   | 64610N   | Coláiste Cholmáin, Claremorris                            | Windows        |
| MAYO   | 64630T   | Jesus & Mary Secondary School, Gortnor Abbey, Crossmolina | Roofs          |
| MAYO   | 64660F   | Sancta Maria College, Louisburgh                          | Roofs          |
| MAYO   | 64691Q   | Coláiste Mhuire, Tourmakeady                              | Toilets        |
| MAYO   | 64700O   | Rice College, Castlebar Road, Westport                    | Roofs          |
| MAYO   | 64710R   | Sacred Heart School, Westport                             | Roofs          |
| MAYO   | 72050U   | St. Brendan's College, Belmullet                          | Windows        |
| MAYO   | 72160E   | Carrowbeg College, Westport                               | Windows        |
| MAYO   | 91494R   | St Louis Community School, Kiltimagh                      | Roofs          |

### Traveller Education

156. **Deputy Dara Calleary** asked the Minister for Education and Skills his views on directing any of the additional funding made available to him in the jobs initiative to reverse decisions taken in relation to traveller resource teachers around the country; and if he will make a statement on the matter. [11195/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that the decision to withdraw Resource Teacher for Travellers was taken by the previous Government as part of the last Budget. The requirement to make expenditure savings and to ensure that staffing numbers remain within the Public Service Employment Control Framework prevent me from re-visiting this decision.

Resource Teacher for Traveller posts/Teaching Hours for Traveller pupils will be withdrawn, effective from 31st August 2011. Traveller pupils who are eligible for learning support teaching should receive this tuition through the existing learning support provision in schools. All schools should select students for learning support on the basis of priority of need.

Limited alleviation or adjustment measures are being provided to assist schools that have high concentrations of Traveller pupils who were previously supported by Resource Teachers for Travellers.

In respect of DEIS, (Developing Equality of Opportunity in Schools), Traveller enrolments have been included in the valid enrolment for the purpose of allocating additional staffing under DEIS from the 2011/12 school year. The schools involved have already received their staffing allocations for next year.

For schools other than DEIS schools in receipt of enhanced pupil teacher ratios, alleviation measures are being provided to assist schools with high concentrations of Traveller pupils who were previously supported by RTT posts. Any alleviation measures must be considered in the context of the limited resources that are available to my Department. As such, alleviation measures are being concentrated on schools which had 33 or more pupils supported by RTT posts, based on 2009/10 school year enrolments. The funding made available in my Department to support the Jobs Initiative announced last week was earmarked to allow this Government to meet the pledge in the Programme for Government to deliver an additional 15,000 places in training, work experience and educational opportunities within our first 100 days in office. The measures contained in the Jobs Initiative will provide those seeking employment with an additional 20,900 places, with the majority coming from my own department. Capital funding was also made available through the jobs initiative to fund a number of primary and post-primary school building projects.

These measures, together with the other measures announced as part of the Jobs Initiative, are intended to assist in employment generation, provide opportunities for those who have lost their jobs, and thus generate confidence in the economy. The success of such measures is essential if this country is to regain its economic sovereignty.

### School Transport

157. **Deputy Dara Calleary** asked the Minister for Education and Skills his views on directing any of the additional funding made available to him in the jobs initiative to reverse decisions taken in respect of school transport charges, regulations and routes around the country; and if he will make a statement on the matter. [11196/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The funding made available by the Government to the jobs initiative will be used solely for that

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purpose. The 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 Value for Money Review of the scheme. Given the major financial constraints facing the country, I regret that I cannot reverse the changes to school transport as announced by the previous Government. We all have to understand the legacy of economic mismanagement which the last Government gave to the country.

### Higher Education Grants

158. **Deputy Finian McGrath** asked the Minister for Education and Skills the position regarding grant aid in respect of persons (details supplied). [11205/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Under my Department's student grant schemes, students who are entering approved courses for the first time are eligible for grants where they satisfy the prescribed conditions of funding, including those relating to age, residence, means, nationality and previous academic attainment. Details of the 2011/12 student grant scheme are due to become available following publication, currently planned for end-May 2011. Information and application forms will then be made available on the website, *www.studentfinance.ie* which also provides comprehensive information on the full range of supports available in further and higher education, including the student grant, the Student Assistance Fund and other relevant supports. New applicants may apply for grant assistance to their local authority or Vocational Education Committee, depending on their choice of course. Online application will be possible for a number of grant awarding authority areas. Eligible students with particularly low reckonable incomes may also qualify for the special rate or "top-up" grant.

The Higher Education Access Route (HEAR) is a third-level admissions scheme for students from socio-economically disadvantaged backgrounds. The scheme is operated by a number of higher education institutions and not by my Department. Admissions to the institutions are regulated by the institutions themselves. The Deputy may wish to contact the Irish Universities Association, which operates the HEAR scheme on behalf of participating institutions. Further details are available at *www.accesscollege.ie*.

### Schools Building Projects

159. **Deputy Finian McGrath** asked the Minister for Education and Skills if he will spend some of the €30 million for the school building programme at a school (details supplied) in Dublin 3. [11206/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The €30 million allocation for the school building programme referred to by the Deputy was for small to medium scale works. Construction is already underway, since February 2011, on a large scale extension/refurbishment project at the schools referred to by the Deputy. Therefore there will be no requirement for additional funding for these schools from the €30 million allocation.

### School Closures

160. **Deputy Charlie McConalogue** asked the Minister for Education and Skills his plans to close a primary school (details supplied) in County Donegal; and if he will make a statement on the matter. [11283/11]

161. **Deputy Charlie McConalogue** asked the Minister for Education and Skills the measures he plans to put in place to protect rural schools (details supplied); and if he will make a statement on the matter. [11284/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 161 and 160 together.

The value for money review on small schools, currently being carried out by my Department, is part of the normal review processes undertaken by all Departments on an annual basis on selected areas of expenditure and is being conducted in line with the standard procedure for value for money reviews. These procedures require that the views of stakeholders be obtained and the public consultations were designed to achieve this aim. This was done by issuing a direct invitation to relevant interest groups to provide a submission. The interest groups included the school patron bodies, management bodies, teacher unions, national parents' council, Irish language groups and other groups who operate in the area of social inclusion.

A letter, inviting submissions, issued on 8 February 2011 to these interest groups and a deadline for reply was given for 18th March 2011. As these groups represent a wide spectrum of membership it could be reasonably expected they would communicate with their membership in regard to the review. In addition to the direct letter of invitation issued to these groups, a general invitation for submissions was posted on the Department's website also at the same time. Indeed the large response of in excess of 1,000 submissions seems to support the view that there is high general awareness of the review and a lot of interest in it.

The review will attempt to explore the general policy options for re-organisation of small schools including the sharing of resources and clustering arrangements towards small schools. I think it is important to clarify that this study is part of an overall requirement across all Government Departments to have a rolling programme of such studies. This review was initiated last October by the previous Fianna Fail-Green Party Government and is not driven by any ideology. The study is simply about ascertaining the facts to inform future policy. It does not mean that any policy decision has been taken at this point or that any particular outcome is sought.

Given that the Government has recently announced a Comprehensive Review of Expenditure, all Government expenditure and programmes will come under similar scrutiny. The terms of reference acknowledge the important role primary schools play in their local communities. In considering any policy change in relation to small schools, the Department of Education and Skills is conscious that there is a wider dimension to be considered in addition to the cost of maintaining small schools.

Among the issues that will need to be taken into account are questions such as availability of diversity of provision, ethos of schools, parental choice, language of instruction, travel distances, transport costs and the impact of schools on dispersed rural communities. The review will examine the locations of small schools relative to each other and to other schools of a similar type. It will also examine the costs of running small schools and the educational outcomes associated with small schools.

Educational quality for the students must be one of the main criteria in any consideration of primary school size. We must also consider the needs of local communities and wider social and cultural factors. Decisions on school provision and reorganisation must be widely perceived to be cost-effective, equitable and reasonable. These decisions need to be based on a rigorous evaluation of requirements and needs, not just at a local level but also at both regional and national levels.

[Deputy Ruairí Quinn.]

With regard to the specific school referred to by the Deputy, the existing rules and current sustainability limits will continue to apply and there are no plans at this time to close this school.

### **Literacy Levels**

162. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will ensure that the Irish data being gathered in a survey (details supplied) distinguishes between persons who have gone through the Irish school system and those who were educated in other education systems. [11291/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The aim of the Programme for the International Assessment of Adult Competencies (PIAAC) is to assess the literacy competency levels of adults between the ages of 16-64. It is not designed to collect detailed data on participants' educational history. However, PIAAC will provide some information on the levels of education achieved and on the profile of the participant, including country of birth and, where relevant, the date the participant entered the country. It will also be possible to identify qualifications achieved abroad and the country where they were achieved. The survey also seeks information on the equivalence of foreign qualifications to Irish qualifications. It will be possible when the qualification data and the participant profile data is considered together to obtain information on a participant's educational past.

### **School Transport**

163. **Deputy Paudie Coffey** asked the Minister for Education and Skills the position regarding an application (details supplied) for the remote area grant scheme; and if he will make a statement on the matter. [11292/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** To be eligible for school transport children must reside not less than 3.2 kilometres from and be attending their nearest national school, as determined by my Department, having regard to ethos and language. Eligible children for whom no transport service is available may, following their application for transport, receive a Remote Area Grant towards the cost of making private transport arrangements. Bus Éireann which operates the school transport schemes, on behalf of my Department, has advised that they have no record of receiving an application for school transport from the person in question. The position regarding transport or a grant can be assessed on receipt of a completed application form.

164. **Deputy Paudie Coffey** asked the Minister for Education and Skills if the remote area grant scheme is applicable to transition year students; and if he will make a statement on the matter. [11293/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** To be eligible for post-primary school transport pupils, including transition year pupils, must reside not less than 4.8 kilometres from, and be attending, their appropriate post-primary education centre/school, as determined by my Department. Eligible pupils for whom no transport service is available may, following their application for transport, receive a Remote Area Grant (RAG) towards the cost of making private transport arrangements. In general, the RAG is payable for the duration of a pupil's post-primary education unless circumstances change e.g. a service may be established under the terms of the scheme. Parents/guardians of eligible pupils should, in the first instance, liaise with their local Bus Éireann office regarding the availability of school transport services.

### School Curriculum

165. **Deputy Paudie Coffey** asked the Minister for Education and Skills if all students have the right to be educated through the Irish language; and if he will make a statement on the matter. [11294/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Education Act provides for the right of parents to send their children to a school of the parents' choice, having regard to the rights of patrons and the efficient use of resources. The Act also places specific obligations on the system to contribute to the realisation of national policy and objectives in relation to Irish, to the maintenance of Irish as the primary community language in Gaeltacht areas, and to promoting the language and cultural needs of students having regard to the choices of their parents.

The promotion of the Irish language has been an important aim of successive Irish Governments and the Department of Education and Skills has responded to the increased demands for Irish-medium schooling in recent years. At primary level, this is evidenced in the increased numbers of gael scoileanna established outside Gaeltacht areas. Since 2005, a total of 17 new gael scoileanna have been recognised by the Department to give a total of 138 recognised Irish-medium primary schools. At post-primary level, the number of gaelcholáistí (Irish-medium second-level schools) has grown to 45 (of which 13 have been established since 2000) and this provision is supplemented by 10 aonad (specialised Irish-medium units attached to an existing second-level school) and 10 sruth (stream or Irish-speaking class within an English medium school). Both the aonad and sruth structure facilitate the provision of Irish-medium education in cases where there is significant demand for education in Irish but where this demand would be insufficient for an independent Irish-medium school.

The population increase over the past ten years or so has resulted in a requirement to provide significant additional school places in some areas of the country and this increase is expected to continue in the short to medium term. There are increasing demands for diversity of provision of school type, including Irish-medium education, distributed throughout the country in areas of both static and growing population. These growing demands have required a revision of the procedures for the recognition of new primary schools. These have been reviewed by the Commission on School Accommodation which reported in February 2011. The recommendations in the report are being considered by me in the context of the wider debate on patronage and pluralism in primary schools through the Forum which I have established in April 2011. The Forum is due to present its report at the end of the year.

In the interim my Department is adopting a strategy whereby it will only allow new primary schools to be established to cater for demographic growth in order to deliver on the overall priority that every child has a school place available to them. The demands to extend the provision of Irish-medium education at primary level will be considered in the context of the new arrangements which emerge from the outcome of the Forum's work.

At post-primary level, I am considering the arrangements that will apply for the recognition of new second-level schools consistent with the commitment in the programme for Government. Similar to the position at primary level, the intention is that new schools will only be established where there is demographic demand. The issue of how best to facilitate the provision of all-Irish education at post-primary level will form part of my consideration.

### Schools Refurbishment

166. **Deputy Paudie Coffey** asked the Minister for Education and Skills if a school (details supplied) that has been identified by the school authorities, the local authority and the Garda



[ Deputy Paudie Coffey.]

Síochána as urgently requiring external improvement works in the interest of road traffic and pedestrian safety will be considered in the new allocation of funds under the summer works scheme; and if he will make a statement on the matter. [11295/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** In general, individual school authorities are responsible, in the first instance, for ensuring the safety and welfare of children and others in their care, including traffic management measures. The issue of road safety measures outside the vested site areas of schools, such as road signage, traffic calming measures etc., is a matter, however, for the relevant Local Authority. Local Authorities have the power to decide on road safety measures outside schools and should ensure that measures are in place to protect the safety of local school children.

I can confirm that the school referred to by the Deputy applied for funding under the 2011 Summer Works Scheme for improvement works to the school entrance. A list of 453 successful schools was announced on 30 March 2011 and I regret that the application made by the school in question was not selected. A letter to this effect has issued to the school. Applications from schools for gas, mechanical and electrical works were prioritised for Summer Works funding this year. Unfortunately, due to the scale of demand for funding under the scheme, it was not possible to grant aid all applications and accordingly it has been necessary to prioritise some categories of works over others.

167. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will detail the number of schools that have benefited from the summer works scheme in each year of its operation. [11302/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Summer Works Scheme was introduced in 2004. The purpose of the Scheme is to devolve funding to individual school authorities to undertake small-scale building works which, ideally, can be carried out during the summer months or at other times that avoid disrupting the operation of the school. Under the terms of the Scheme, school authorities are empowered to manage these works with guidance from, and minimal interaction, with the Department.

Ten categories of works are eligible for funding under the Scheme. These include, Gas, Electrical, Mechanical, Projects to facilitate inclusion and access for special needs pupils, Toilet facilities, Roof works, Window projects, Curricular requirement projects, Structural improvements and External environment projects. Since its introduction in 2004, over €590m has been grant aided to schools under the Summer Works Scheme. A Scheme did not operate in 2008. The Scheme has allowed the completion of projects in over 6,000 primary and post primary schools as follows: 457 schools in 2004, 759 schools in 2005, 785 schools in 2006, 970 schools in 2007, 1,026 schools in 2009, 1,567 schools in 2010, 453 schools in 2011.

In addition to the 2011 Summer Works Scheme, a further €30 Million has been made available this year under the Jobs Initiative to fund school building works in 374 primary and post-primary schools. These funds will allow schools to carry out small and medium scale building works such as special needs access, toilet facilities, roof works and window replacements.

168. **Deputy Brendan Smith** asked the Minister for Education and Skills the programmes which will be reduced as a result of his decision to switch €20 million from current funding to the summer works scheme. [11303/11]

169. **Deputy Brendan Smith** asked the Minister for Education and Skills if he will detail the efforts undertaken by him to discern the likely number of jobs which will result from the

increased allocation of funding to the summer works scheme and the number of jobs impacted upon in other areas by his redirection of €20 million to the scheme. [11304/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 168 and 169 together.

An additional €40m worth of school projects will commence this summer under the Jobs Initiative, of which €30m will be spent this year. Some €20m of this has been reallocated by me from within my own Department's 2011 capital allocation for higher education and an additional €10m has been made available to the Department from the Exchequer. The funding was not switched from the current budget.

Progress has been slow on a number of higher education major capital works. Where a project slows down we would normally seek to speed up expenditure on other major projects or allocate funding to minor works or for higher education site purchases, where there are always a small number of acquisitions under consideration. However, given the importance of the jobs initiative I decided to transfer €20m from the higher education capital budget to the schools capital budget.

In relation to the calculation of the number of jobs generated, there is general agreement that school works are very labour intensive. Industry norms as recommended by the Construction Industry Council have been used to determine the number of jobs likely to be generated from the investment in question. The Council has suggested that there are 10 direct jobs and 2 indirect one for every €1m capital spend. I would estimate that this funding will create at least 2,400 direct and 480 indirect jobs in the economy for around 2 months per project.

### School Transport

170. **Deputy Ciara Conway** asked the Minister for Education and Skills if he will review an application for the remote area grant in respect of a person (details supplied) in County Waterford. [11312/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** To be eligible for school transport children must reside not less than 3.2 kilometres from and be attending their nearest national school, as determined by my Department, having regard to ethos and language. Eligible children for whom no transport service is available may, following their application for transport, receive a Remote Area Grant towards the cost of making private transport arrangements. Bus Éireann which operates the school transport schemes, on behalf of my Department, has advised that they have no record of receiving an application for school transport from the person in question. The position regarding transport or a grant can be assessed on receipt of a completed application form.

### Departmental Agencies

171. **Deputy Dominic Hannigan** asked the Minister for Education and Skills the number of State agencies or organisations under his remit which are paid up members of the Irish Business and Employers Confederation; the name of each agency or organisation; the amount each State agency or organisation paid to the Irish Business and Employers Confederation for the years 2007, 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [11320/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The information requested by the Deputy is provided in the following table.

[Deputy Ruairí Quinn.]

Amount of fees payable to IBEC 2007-2011 to date

| Agency Name                                   | 2007      | 2008      | 2009      | 2010                     | 2011                      |
|---|-----------|-----------|-----------|--------------------------|---------------------------|
|   | €         | €         | €         | €                        | €                         |
| FÁS (See Note 1)                              | 55,123.98 | 58,583.14 | 58,583.10 | 0                        | 0                         |
| Further Education and Training Awards Council | 1,616.00  | 1,681.00  | 1,681.00  | 1,463.00                 | 1,337.00                  |
| Higher Education and Training Awards Council  | 1,248.82  | 1,300.00  | 1,300.00  | 1,300.00                 | 1,300.00                  |
| Léargas                                       | 1,248.81  | 1,986.39  | 1,910.00  | 1,795.40                 | 1,566.21                  |
| National Educational Welfare Board            | 8,681.13  | 5,065.62  | 5,082.96  | 5,082.96                 | 10,430.80<br>(see Note 2) |
| National Qualifications Authority of Ireland  | 975.00    | 1,040.00  | 1,300.00  | 1,300.00                 | 1,300.00                  |
| Skillnets Ltd                                 | 3,153.62  | 2,131.60  | 3,138.90  | 4,270.50<br>(See Note 3) | 0                         |

Note 1: Following a review of its expenditure FÁS cancelled its membership of IBEC during 2009.

Note 2: IBEC membership fees are calculated based on payroll costs. Based on its payroll up to and including 2010 the NEWB paid an incorrect membership fee. The membership fee paid for 2011 was set following negotiation with no arrears paid in respect of previous years.

Note 3: Skillnets Ltd paid both 2010 & 2011 membership fees in 2010.

### Higher Education Grants

172. **Deputy Niall Collins** asked the Minister for Education and Skills the availability of grant assistance in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [11339/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The student grant schemes include provision for grants to eligible students pursuing certain full-time undergraduate courses of at least two years duration within the EU. The position is that the third level grant schemes do not extend to postgraduate study outside of Ireland. The Deputy will appreciate that the current economic circumstances are such that I am not in a position to consider changing the arrangements at this time.

### School Staffing

173. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills his plans to change the rules regarding the employment of substitute and temporary teachers and lecturers in primary, secondary and tertiary education in order that persons who are in receipt of pensions from the State from teaching will not be eligible for such positions; and if he will make a statement on the matter. [11343/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department has issued a number of directives to schools to ask them to prioritise newly qualified teachers over retired teachers when considering applications for teaching and substitute work. Where retired teachers return to teach on a full-time basis or on certain part-time contracts, their pension is abated. To further reduce the impact of retired teachers returning to teach, I have directed my officials to examine whether and how there should be pension consequences for retirees returning to the classroom for shorter periods.

The scale of this issue should be put in context, however. For example, in a two month sample period in the last school year, retired teachers accounted for less than 8% of the number

of substitute days worked in primary schools. Therefore, while it remains an issue, its effects are limited to a relatively small number of days worked.

Under the terms of the Employment Control Framework for the Higher Education Sector, third level institutions have been instructed to give priority when filling posts to the employment of new or recently qualified staff over those who are retired, wherever possible. Re-employment of retired staff should only occur in very limited exceptional circumstances and in these cases the salaries offered may not exceed 20% of the full-time salary an individual was in receipt of at the time of their retirement, adjusted to reflect the application of Government pay policy in the period since their date of retirement. Any such proposed arrangements should be put in advance to the Higher Education Authority.

174. **Deputy Éamon Ó Cuív** asked the Minister for Education and Skills the number of retired teachers, in receipt of pensions from the State employed at present in a temporary or substitute capacity in primary, secondary and tertiary education; and if he will make a statement on the matter. [11344/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Teachers employed in primary, secondary and community/comprehensive schools are paid on payrolls operated by my Department. There were one hundred and eighty six retired primary teachers in receipt of a pension paid on the primary payroll of the 12th May 2011. One hundred and forty seven post-primary retired teachers in receipt of pension will be paid on the post primary payroll of the 19th May. Teachers employed in Vocational Education Committees are paid by the individual VECs and staff in third level institutes are paid by the individual institutes.

#### Higher Education Grants

175. **Deputy David Stanton** asked the Minister for Education and Skills if he will consider making a course (details supplied) an approved course for the purposes of the higher education grants scheme; and if he will make a statement on the matter. [11367/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Under my Department's student grant schemes, eligible candidates may receive funding provided they are attending an approved course at an approved institution as defined in the relevant scheme. I understand that the college referred to by the Deputy is a private college and is not on the list of approved institutions for the purpose of the student grant schemes. The Deputy will appreciate that, in the current economic climate, I am not in a position to consider any such extension of the list of approved institutions. However, Section 21 of the Finance Act 2000 provides for the introduction of tax relief for fees paid in publicly funded colleges here and in other EU Member States as well as in private colleges in the State. This relief, which applies at the standard rate of tax, is available to full-time and part-time students and includes distance education courses offered by publicly funded colleges in other EU Member States. Further details on claiming this relief are available from the Revenue Commissioners' website at [www.revenue.ie](http://www.revenue.ie).

#### Schools Building Projects

176. **Deputy Seán Kyne** asked the Minister for Education and Skills the position regarding the proposal to devolve an annual capital budget to schools to enable such schools to plan for capital projects by themselves in a similar manner to that of the devolved scheme method, which was pioneered by a school in Claregalway, County Galway. [11387/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** This Government's Programme for National Recovery 2011-2016 commits that administrative functions relating to maintenance

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and school building projects currently carried out by school principals will be devolved locally and that the devolution of an annual capital budget to schools will be piloted to allow schools to plan for capital projects. In order to expedite the process of delivering projects and to maximise the output from within existing resources, my Department has been exploring alternative methods of delivering major projects. As well as the Public Private Partnership method of delivery, my Department has also initiated a process whereby a local authority and a number of VECs have been given responsibility for managing the delivery of major projects. This process has the potential to offer the Department of Education and Skills another mechanism within which school buildings could be delivered in the future.

In addition to the major capital projects funded by my Department, there are grant schemes in which responsibility for project managing and overseeing the delivery of these projects within budget is devolved to the school authority. Schemes such as the Summer Works Scheme, the Permanent Accommodation Scheme and the Emergency Works Scheme operate on this basis. The further implementation of the commitments in the Programme for National Recovery 2011-2016 will be informed by progress in the new devolution arrangements underway.

### **Special Educational Needs**

177. **Deputy Peter Mathews** asked the Minister for Education and Skills his plans to ensure special needs assistant positions and resource hours are not cut from schools; and if he will make a statement on the matter. [11403/11]

**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. This now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts as well as a temporary suspension of the allocation of additional resource teaching support hours.

In respect of SNA support, the NCSE has issued a circular to all schools advising of the allocation process for the 2011/2012 school year. A key feature of the amended scheme will be to provide for an annual allocation of SNA support to eligible schools. The NCSE asked schools to submit all applications for SNA support to them by 18th March, 2011 and intend to inform schools of their annual SNA allocation as soon as possible, in advance of the coming school year.

In respect of resource teaching support, the NCSE has issued a Circular to schools advising them that the final date for schools to submit any outstanding, completed, applications for resource teaching supports is 13th May 2011. On receipt of all outstanding applications the DES and NCSE will be in a position to consider resource allocation for the coming school year, in the context of the Departments Employment Control Framework obligations. Schools, including the application referred to by the Deputy, will be notified of their allocations as soon as possible. In the interim, children who are eligible for resource/ learning support teaching can receive this tuition through the existing learning support provision in schools.

### **School Curriculum**

178. **Deputy Joe McHugh** asked the Minister for Education and Skills if post-primary schools have full discretion regarding the subjects they provide for leaving certificate programmes, or if he can influence this process; and if he will make a statement on the matter. [11413/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Rules and Programme for Secondary Schools require that all schools offer an approved syllabus in the following subjects:

- Irish, English, Mathematics,
- Science or a language other than Irish and English; or a subject of the Business Studies Group,
- Civic, Social and Political Education and Social, Personal and Health Education (at junior cycle)
- History and Geography in a secondary school, or Technical Graphics or Art Craft Design or Home Economics or Business Studies in a vocational school, and either option in a community and comprehensive school
- a physical education programme, and a Relationship and Sexuality Education programme in senior cycle.

The Department has also stipulated a specific format for participation in the Leaving Certificate Applied and the Leaving Certificate Vocational Programmes. Other than this, schools have discretion as to what subjects they may offer, from the 34 approved subjects for the Leaving Certificate, and the 25 subjects at Junior Certificate. Such decisions are of necessity made at school level taking account of the overall staffing resources available to the school, the level of demand, the viability of class groups, the mix of programmes and levels being offered, the qualifications profile of staff, and student and parent interests.

### **School Staffing**

179. **Deputy Peter Mathews** asked the Minister for Education and Skills his plans to create jobs for graduate teachers; and if he will make a statement on the matter. [11425/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The process of allocating teaching resources to schools for 2011/2012 and the arrangements for filling vacant or new teaching posts, including temporary posts, takes place in the context of the EU/IMF Programme of Support for Ireland and the Public Service Agreement 2010/2014. It is necessary for my Department to exercise additional control and reporting measures this year to ensure that the numbers of teachers employed in schools is consistent with the EU/IMF Programme of Support for Ireland. This requires that all permanent and fixed term positions are in the first instance made available to those surplus teachers with either permanent contracts or contracts of indefinite duration before they can be filled in any other manner such as by fixed-term teachers or by graduates.

Circular 66/2010 issued by my Department permits schools to participate in the FÁS Work Placement Programme (WPP). This programme is intended to assist people who are unemployed to retain their skills levels and secure work experience that will assist them in finding employment. This involves a placement for a defined period, rather than employment, and participants in this voluntary programme may be entitled to maintain their social welfare entitlements subject to the rules of the Department of Social Protection.

### **School Provision**

180. **Deputy Olivia Mitchell** asked the Minister for Education and Skills if he will give positive consideration to the demands for an all-Irish secondary school serving the south County

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Dublin area and particularly to the use of an existing school building as proposed by the lobby group; and if he will make a statement on the matter. [11426/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Forward Planning Section of my Department is finalising an analysis of all areas of the country in order to determine the level of additional provision which will be required at both primary and post-primary level up to 2017. Overall post-primary requirements in the South County Dublin area, including the case for the provision of a new second level all Irish language school, will be fully considered in this context.

### Schools Refurbishment

181. **Deputy Seán Crowe** asked the Minister for Education and Skills if he will clarify if a school (details supplied) in County Wexford has been listed for the school summer works programme; and if not included, that consideration be given to same, in view of the fact that many parents believe this school is in a substandard condition. [11430/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school referred to by the Deputy applied for funding under the 2011 Summer Works Scheme. A list of 453 successful schools was announced on 30 March 2011 and I am pleased to confirm that the application made by the school in question was selected. A letter to this effect has issued to the school.

### School Curriculum

182. **Deputy Olivia Mitchell** asked the Minister for Education and Skills if there is an investigation under way to establish the reasons that led to the National Council for Curriculum and Assessment sample mock papers being rejected by all 24 pilot schools and the subsequent direction to those schools to ignore the sample paper; and if he will make a statement on the matter. [11431/11]

183. **Deputy Olivia Mitchell** asked the Minister for Education and Skills further to Parliamentary Question No. 75 of 21 April 2011, if he will clarify the following ambiguities: the meaning of inferential statistics, as this term does not seem to appear in the syllabus, and specifically which elements of inferential statistics have been deferred; the specific elements of synthetic geometry that are optional; to which syllabus does he refer when he states the syllabi issued to all schools in August 2010; if he will supply a copy of same; the way said syllabus differ from the syllabus which will issue in August 2011; if they do differ does this mean an entirely new syllabus will be issued in August 2011, in view of the fact that the absence of this information is preventing the publication of the relevant textbooks; and if he will make a statement on the matter. [11433/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I propose to take Questions Nos. 182 and 183 together.

I indicated in reply to Question 8954 of 21 April 2011 that Project Maths is being implemented on a phased basis over a 3 year period, over 5 strands of mathematics. It began in all schools in September 2010 in junior and senior cycle, building on the experiences of 24 schools which began the initiative in 2008. The syllabus for each of the 5 strands is being finalised for mainstream schools in the light of the experiences in the 24 Project Schools.

Inferential statistics refers to the drawing of conclusions, usually in respect of a particular population of interest on the basis of data collected from a random sample of the population.

The syllabuses for the mainstream schools and the 24 project maths schools are shown on the website [www.ncca.ie/projectmaths](http://www.ncca.ie/projectmaths), and labelled in accordance with the relevant examination year. Section 1.7 of the syllabus for the 24 Project Schools sitting the Leaving Certificate examination in 2011, page 22 and 23, lists the elements of inferential statistics which have been deferred for an interim period. As these were adjusted before August 2010, the syllabuses issued for mainstream schools sitting the Leaving Certificate in 2012 in Strands 1 and 2 do not detail this content, but flag the fact that elements have been deferred (Section 1.7 on page 20). In regard to Synthetic Geometry, Section 2.1 of page 22 of the Leaving Certificate Mathematics syllabus for mainstream schools sitting the examination in 2012 sets out the elements which are optional for an interim period.

The educational publishers have been briefed on an ongoing basis by the National Council for Curriculum and Assessment and the draft syllabuses have been published on the Council's website from the earliest possible stage. The adjustments to the syllabus have given rise to elements being deferred or made optional only. It is not accepted therefore that the evolutionary nature of the project has prevented the publication of textbooks.

The syllabuses which issued in hard copy in August 2010 to all mainstream schools are on my Department's website [www.education.ie](http://www.education.ie), as well as the NCCA website. These reflect changed content for Project Maths in Strands 1 and 2 only, together with the pre-existing content for the other elements of Mathematics.

The syllabuses which issue in August 2011 to all mainstream schools for candidates sitting the Leaving Certificate in 2013, and the Junior Certificate in 2014, will reflect Project Maths content across Strands 1-4, and are not expected to change vis a vis the drafts already published. It is not the normal practice to issue mock examination papers. However, the NCCA issued mock papers to the 24 Project Schools in February 2011 which were intended to supplement sample question material already sent to schools for the relevant strands the previous summer, and the sample papers published by the State Examinations Commission in October 2010.

The feedback indicates that the questions in the mock papers were more difficult than expected. In response, all of the project schools were notified that it was the sample paper published by the SEC which reflects the standards and type of question likely to arise in the actual examination. Schools were also supplied at that stage with additional materials, and extra follow up from the Project Maths Support Team. No future mock examination papers will be issued by NCCA. In line with normal practice, the State Examinations Commission will continue to publish a sample examination paper where syllabus change arises.

### Schools Building Projects

184. **Deputy Anne Ferris** asked the Minister for Education and Skills the position regarding an application for a school extension submitted in respect of a school (details supplied) in County Wicklow in view of the fact that this application was made more than seven years ago; and if he will make a statement on the matter. [11446/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school to which the Deputy refers has applied to my Department for large scale capital funding for an extension and refurbishment project. The application has been assessed in accordance with the published prioritisation criteria for large scale building projects and assigned a band rating of 1. Information in respect of the current school building programme along with all assessed applications for major capital works, including the project referred to by the Deputy, is available on the Department's website at [www.education.ie](http://www.education.ie). The progression of all large scale building projects, including this project, from initial design stage through to construction phase will be considered in the context



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of my Department's multi-annual School Building and Modernisation Programme. However, in light of current competing demands on the capital budget of the Department, it is not possible to give an indicative timeframe for the progression of the project at this time.

### **Departmental Expenditure**

185. **Deputy Timmy Dooley** asked the Minister for Education and Skills the reason the professional service development for teachers, PSDT, is cutting back on its funding to a centre (details supplied) in County Clare; if he will guarantee the future of the centre in view of the fact that its funding is being severely depleted by the PSDT service; if he will guarantee the long-term future of the centre's staff and administrators as a result of the measures taken by PSDT; and if he will make a statement on the matter. [11447/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The Education Centre network plays a key part in the overall provision of continuing professional development (CPD) for teachers, and in this context my Department provides funding in respect of core budget, local courses, and, where a centre is the host location for a national CPD support programme, for the administration and operation of the programme in question. The core budget and the local course budget for Clare Education Centre in 2011 are the same as 2010.

Each Education Centre is a body corporate with perpetual succession. The Centre has a management committee to manage the business and staff of the centre. Apart from the education centre directors who are usually seconded teachers, all other centre staff are non-public servants. Matters relating to the employment, pay, conditions and the numbers of employees are the responsibility of the management committee, and I am not in a position to make any commitments with regard to the future of the Centre's staff.

The Professional Development Service for Teachers (PDST) was established in September 2010. The PDST is a team of seconded teachers, which offers professional development support to primary and post-primary teachers on a wide range of topics. Clare Education Centre is currently the administration base for three strands of the PDST: the leadership and planning strand, the Leaving Certificate Applied strand and the Maths Recovery strand. In allocating budgets for the three PDST strands my Department aims to ensure that the approved allocation is commensurate with the level of activity and the role of the Centre in their administration, and there is ongoing communication between Clare Ed Centre and my officials in this regard. The Deputy will appreciate that, as is the case with all expenditure, the level of funding to Clare Education centre, the education centre network as a whole, and indeed the teacher support services, is under regular review within my Department, with a view to ensuring value for money and economic efficiency, while providing a high quality service to the education sector.

### **Higher Education Grants**

186. **Deputy Alan Farrell** asked the Minister for Education and Skills the plans he has with regard to third level grant allocation and the delays suffered by many students due to the lack of resources being allocated by local authorities; and if he will make a statement on the matter. [11485/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The assessment and payment of third level or further education grants is a matter for the relevant local authority or VEC. The timing of payment varies between the 66 awarding bodies depending on a number of variables

including the volume of applications received, staffing resources and whether or not properly completed application forms have been received.

In order to address the overall issue of delays in processing and payment of student grants, I am moving ahead with plans to introduce a single grant awarding authority from 2012. In this regard, following the recommendation of an independent selection panel and subject to agreement of an implementation plan, the City of Dublin VEC will be designated as the single grant awarding authority. The centralised awarding authority will operate on a transitional basis accepting all new applications from the 2012/13 academic year. The existing grant awarding authorities will continue to process grant renewals for their grantholders. Although the existing 66 awarding bodies will continue to process grants for 2011/12, I am pleased to be able to inform the Deputy that students can look forward to some significant improvements to the student grant schemes this year when it is intended to introduce a single unified scheme to replace the existing four schemes. In tandem with these developments, my Department will continue to roll out the grants online application system and the payment of grants to students by way of electronic funds transfer. All of these developments are designed to provide a better and more efficient service for students and will provide for fundamental reform of the student grants system commensurate with the provisions of the Student Support Act.

### **School Staffing**

187. **Deputy Alan Farrell** asked the Minister for Education and Skills his views on the withdrawal of a resource and reading teacher from a school (details supplied); and if he will make a statement on the matter. [11486/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Firstly, I wish to advise the Deputy that the National Council for Special Education (NCSE), through its network of local Special Educational Needs Organisers (SENOs), is responsible for processing applications from primary and post primary schools for special educational needs supports. This includes the allocation of resource teaching hours to schools as well as the establishment of special classes in various geographical areas as required and the discontinuation of such classes where the need no longer exists.

The NCSE operates within my Department's criteria in allocating such supports.

In respect of special classes, schools are required to observe Department policy in enrolling children to these classes. This includes having a professional assessment confirming that the child's attainment levels meets the Department's criteria and a recommendation for special class placement. Schools are eligible for resources for special classes when the pupils enrolled meet the Department's criteria.

Schools are required to liaise with their local SENO in the context of any proposed placements in such classes. All schools have the names and contact details of their local SENO.

Where the number of pupils qualifying for special class placement declines, the number of special classes may also be reduced accordingly. The NCSE has advised that on this basis, the number of special classes at the school referred to by the Deputy reduced this year from three to two.

In respect of resource teaching support for the coming school year, the NCSE has issued a Circular to schools advising them that the final date for schools to submit any outstanding, completed, applications for resource teaching supports is 13th May 2011. On receipt of all outstanding applications the DES and NCSE will be in a position to consider resource allocation for the coming school year, in the context of the Departments Employment Control Framework obligations. Schools will be notified of their allocations as soon as possible.

### Adult Education

188. **Deputy Alan Farrell** asked the Minister for Education and Skills following the announcement by the Minister for Finance, if he will sanction the position of director of adult education to be appointed, in view of the fact that the salary for same can be sourced from contributions made by teachers to the teaching council; and if he will make a statement on the matter. [11487/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** A moratorium exists in relation to the filling of posts in the public sector generally and accordingly, the Teaching Council cannot fill any post without the prior approval of my Department and the Department of Finance. Requests for the filling of posts are considered in the context of the Government's policy on public sector numbers and overall budgetary policy.

Although the Teaching Council has not requested sanction for the creation of the position of Director of Adult Education, my Department has had discussions with the Council in relation to a request for the appointment of an Education Officer and other staffing requirements of the Council.

The announcement of the Minister for Public Expenditure and Reform that the Deputy refers to concerns third level education and a relaxation of the numbers ceiling applying to non-Exchequer funded posts in the higher education sector, in order to facilitate the maximum possible employment creation potential of that sector, while also encouraging institutions to seek to diversify their sources of funding away from the Exchequer. The Minister envisages that similar type arrangements will also apply to contract posts involved in research activity in non commercial state agencies, and my officials will explore this matter further in the context of the Teaching Council.

### School Staffing

189. **Deputy Brian Walsh** asked the Minister for Education and Skills if he will examine and reverse the decision of the previous Government to withdraw a resource teacher for Traveller posts in the small number of cases in which there is a high concentration of Traveller children; and if he will make a statement on the matter. [11497/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that the decision to withdraw Resource Teacher for Travellers was taken by the previous Government as part of the last Budget. The requirement to make expenditure savings and to ensure that staffing numbers remain within the Public Service Employment Control Framework prevent me from re-visiting this decision.

Resource Teacher for Traveller posts/Teaching Hours for Traveller pupils will be withdrawn, effective from 31st August 2011. Traveller pupils who are eligible for learning support teaching should receive this tuition through the existing learning support provision in schools. All schools should select students for learning support on the basis of priority of need.

Limited alleviation or adjustment measures are being provided to assist schools that have high concentrations of Traveller pupils who were previously supported by Resource Teachers for Travellers.

In respect of DEIS, (Developing Equality of Opportunity in Schools), Traveller enrolments have been included in the valid enrolment for the purpose of allocating additional staffing under DEIS from the 2011/12 school year. The schools involved have already received their staffing allocations for next year.

For schools other than DEIS schools in receipt of enhanced pupil teacher ratios, alleviation measures are being provided to assist schools with high concentrations of Traveller pupils who were previously supported by RTT posts. Any alleviation measures must be considered in the context of the limited resources that are available to my Department. As such, alleviation measures are being concentrated on schools which had 33 or more pupils supported by RTT posts, based on 2009/10 school year enrolments.

### **Grant Applications**

190. **Deputy Niall Collins** asked the Minister for Education and Skills if he will approve an application for a devolved grant in respect of a school (details supplied); and if he will make a statement on the matter. [11498/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school to which the Deputy refers has recently applied to my Department seeking funding to provide additional accommodation.

This application is currently being assessed. Officials in my Department will convey a decision on the application to the school authority when the assessment process has been completed.

### **Departmental Expenditure**

191. **Deputy John McGuinness** asked the Minister for Education and Skills if he will confirm the number of credit cards issued by him and to whom; the criteria for issuing such cards; the credit card company used; if a competitive process was used to select the company; if the facility has had to be withdrawn from any person; and if he will make a statement on the matter. [11553/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Two business credit cards are operated by staff in my Department. One card is operated by the Private Secretary in my own office and the second by the Private Secretary in the office of Minister of State Mr. Ciaran Cannon.

The granting of credit cards in my Department is allowed in very limited circumstances. The provision of such cards will only be considered for officers or post-holders whose work requires expenditure to support the business needs of the Department, in extremely time limited circumstances where the spending needs cannot be easily satisfied by the Department's normal billing process. Strict guidelines govern the use of such cards.

To obtain its current corporate credit cards my Department was required to have a business banking relationship to support the granting of the cards. The Department's two credit cards have been supplied by Bank of Ireland.

As officers of the Department have been re-assigned, credit cards have been surrendered by previous post holders and, where appropriate, new cards obtained for successors in those posts. Additionally, where a business need for a card was deemed to no longer exist, such cards were discontinued. There is no record of a business credit card having been withdrawn from any officer of my Department.

### **Schools Refurbishment**

192. **Deputy Dominic Hannigan** asked the Minister for Education and Skills if he will provide a list of all schools, primary and post-primary, in County Meath that have applied for and who

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were approved for funding under the summer works scheme for the years 2009, 2010 and 2011. [11573/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Details of primary and post-primary schools in County Meath who applied for and were approved funding under the Summer Works Scheme for the years 2009, 2010 and 2011 are included in the table for the Deputy's information.

In addition, I am pleased to advise the Deputy that as part of the Government's Jobs Initiative, details of which were announced recently, €40m in funding has been made available for building works in schools. Details of those schools in County Meath who were successful under this initiative is also set out below for the Deputy's information.

Summer Works Scheme 2009

|                     |        | Name of Achool                                |
|---------------------|--------|---|
| Primary School      | 20033D | DUNBOYNE SENIOR N S DUNBOYNE                  |
| Primary School      | 19300Q | CASTLEJORDAN CENTRAL NS CASTLEJORDAN          |
| Primary School      | 19018A | DANGAN MIXED N S DANGAN                       |
| Primary School      | 18453N | S N MHICHIL NAOFA CILL                        |
| Primary School      | 18448U | S N RATH BEAGAIN RATH BEAGAIN                 |
| Primary School      | 18429Q | S N MHUIRE CUL RONAIN                         |
| Primary School      | 18051Q | COOLE N.S, GARRADICE,                         |
| Primary School      | 18037W | S N MHUIRE BAILE UI EARAIN                    |
| Primary School      | 17742P | SCOIL NAIS MHUIRE NAOFA KILTALE               |
| Primary School      | 17623H | SCOIL NAIS UI GRAMHNA ATHBOY                  |
| Primary School      | 17513A | S N CILL BHRIGHDE KILBRIDE                    |
| Primary School      | 17220I | S N BHRIGHDE MEATH HILL                       |
| Primary School      | 17175G | BOHERMEEN N S BOHERMEEN                       |
| Primary School      | 17162U | S N BHRIGHDE BAILE CORR                       |
| Primary School      | 17123K | KILMAINHAM WOOD N S KILMAINHAM WOOD           |
| Primary School      | 16991I | CARNAROSS N S CARN NA ROS                     |
| Primary School      | 16774A | SCOIL NAIS AN OBAIR NOBBER                    |
| Primary School      | 16143L | S N PHEADAIR AGUS PHOIL DRUMCONRATH           |
| Primary School      | 15483H | ST LOUIS N S RATHKENNY                        |
| Primary School      | 15104T | BRIDE NAOFA N S CANNISTOWN                    |
| Primary School      | 12068D | OUR LADY OF MERCY NS KELLS                    |
| Primary School      | 05630L | SCOIL MHICHIL NA BUACHAILLI SCOIL NA MBRATHAR |
| Primary School      | 03275H | NEWTOWN N S NEWTOWN                           |
| Primary School      | 00883P | AINE NAOFA N S NAVAN                          |
| Post Primary School | 91456J | St Ciaran's Community School Navan Rd         |
| Post Primary School | 72010I | Beaufort College Trim Rd                      |
| Post Primary School | 71991T | Coláiste Pobail Rath Cairn Ráth Cairn         |
| Post Primary School | 71990R | St Oliver Post Primary Oldcastle              |
| Post Primary School | 71970L | St. Fintinas Post Primary School Longwood     |
| Post Primary School | 64410F | Eureka Secondary School Kells                 |
| Post Primary School | 64350N | St Patrick's Classical School Moatlands       |

## Summer Works Scheme 2010

|                |        | Name of Achool                                   |
|----------------|--------|--|
| Primary School | 20033D | DUNBOYNE SENIOR N S DUNBOYNE                     |
| Primary School | 19813W | KILDALKEY CENTRAL N S KILDALKEY                  |
| Primary School | 19768U | SCOIL MHUIRE ASHBOURNE                           |
| Primary School | 19476H | ST OLIVER PLUNKETT NS NAVAN                      |
| Primary School | 19300Q | CASTLEJORDAN CENTRAL NS CASTLEJORDAN             |
| Primary School | 19018A | DANGAN MIXED N S DANGAN                          |
| Primary School | 18887A | SCOIL NAIS MAOL HOSAE KILCOCK                    |
| Primary School | 18448U | S N RATH BEAGAIN RATH BEAGAIN                    |
| Primary School | 18413B | S N NAOMH TREASA BELLEWSTOWN                     |
| Primary School | 18358T | S N FIACH BAILE NA CRIADH                        |
| Primary School | 18344I | S N MHUIRE MOYNALVEY                             |
| Primary School | 18174J | S N CAITRIONA NAOFA BAILE OIRTHIR                |
| Primary School | 18169Q | S N RATH RIAGAIN BAILE AN BHOTHAIR               |
| Primary School | 18132Q | S N MUIRE CARLANSTOWN                            |
| Primary School | 18051Q | COOLE N.S, GARRADICE,                            |
| Primary School | 17986U | S N NMH SHEOSAMH BOYERSTOWN                      |
| Primary School | 17946I | SCOIL NAIS NAOMH AINE MAIO                       |
| Primary School | 17930Q | S N SEACHNAILL NAOFA DUNSHAUGHLIN                |
| Primary School | 17857J | S N AINDREIS NAOFA CURRAHA                       |
| Primary School | 17856H | S N DUN UABHAIR DUN UBHAIR                       |
| Primary School | 17742P | SCOIL NAIS MHUIRE NAOFA KILTALE                  |
| Primary School | 17652O | SCOIL OILIBHEIR NAOFA COILLCLUANA                |
| Primary School | 17629T | S N PADRAIG NAOFA ARD A'CHATHA                   |
| Primary School | 17520U | S N MHUIRE ROBINSTOWN                            |
| Primary School | 17513A | S N CILL BHRIGHDE KILBRIDE                       |
| Primary School | 17480L | S N BAILE CHEANT BAILE CHEANT                    |
| Primary School | 17312N | S N CUL AN MHUILINN CULMULLEN                    |
| Primary School | 17220I | S N BHRIGHDE MEATH HILL                          |
| Primary School | 17203I | S N ULTAIN NAOFA DOMHNACH PADRAIG                |
| Primary School | 17175G | BOHERMEEN N S BOHERMEEN                          |
| Primary School | 17123K | KILMAINHAM WOOD N S KILMAINHAM WOOD              |
| Primary School | 16991I | CARNAROSS N S CARN NA ROS                        |
| Primary School | 16825O | KILBRIDE NATIONAL SCHOOL CLONEE                  |
| Primary School | 16722E | SCOIL CHOLMCILLE NAVAN ROAD                      |
| Primary School | 16549Q | KNOCKCOMMON N S KNOCKCOMMON                      |
| Primary School | 16143L | S N PHEADAIR AGUS PHOIL DRUMCONRATH              |
| Primary School | 16100Q | MERCY CONVENT N S NAVAN                          |
| Primary School | 15483H | ST LOUIS N S RATHKENNY                           |
| Primary School | 14348T | CARRICKLECK N S CARRICKLECK                      |
| Primary School | 12488C | OLDCASTLE MXD N S CHAPEL ST                      |
| Primary School | 12068D | OUR LADY OF MERCY NS KELLS                       |
| Primary School | 11978O | SCOIL MHUIRE NS MOYLAGH                          |
| Primary School | 10801Q | DRUMBARRAGH N S DRUMBARRAGH                      |
| Primary School | 09238I | BALLINLOUGH N S BALLINLOUGH                      |
| Primary School | 05630L | SCOIL MHICHIL NA BUACHAILLI SCOIL NA<br>MBRATHAR |
| Primary School | 03275H | NEWTOWN N S NEWTOWN                              |

[Deputy Ruairí Quinn.]

|                     |        | Name of Achool                                      |
|---------------------|--------|---|
| Primary School      | 01421F | KILSKYRE MIXED N S KILSKYRE                         |
| Primary School      | 01309L | STACKALLEN N S STACKALLEN                           |
| Primary School      | 00883P | AINE NAOFA N S NAVAN                                |
| Post Primary School | 91495T | Ashbourne Community School Deerpark                 |
| Post Primary School | 76088T | Ratoath College Jamestown                           |
| Post Primary School | 72010I | Beaufort College Trim Rd                            |
| Post Primary School | 71991T | Coláiste Pobail Rath Cairn Ráth Cairn               |
| Post Primary School | 71990R | St Oliver Post Primary Oldcastle                    |
| Post Primary School | 71950F | St Peter's College Dunboyne                         |
| Post Primary School | 64450R | Scoil Mhuire Convent Of Mercy                       |
| Post Primary School | 64410F | Eureka Secondary School Kells                       |
| Post Primary School | 64360Q | St. Joseph's Secondary School, Navan, Mercy Convent |
| Post Primary School | 64350N | St Patrick's Classical School Moatlands             |

## Summer Works Scheme 2011

|                     |        | Name of Achool                          |
|---------------------|--------|---|
| Primary School      | 20258E | Gaelscoil an Bhradáin Feasa Mill Road   |
| Primary School      | 19671F | ST PAULS N S ABBEYLANDS                 |
| Primary School      | 19560T | ST MARYS SPECIAL SCHOOL JOHNSTOWN       |
| Primary School      | 19300Q | CASTLEJORDAN CENTRAL NS CASTLEJORDAN    |
| Primary School      | 18448U | S N RATH BEAGAIN RATH BEAGAIN           |
| Primary School      | 17986U | S N NMH SHEOSAMH BOYERSTOWN             |
| Primary School      | 17856H | S N DUN UABHAIR DUN UBHAIR              |
| Primary School      | 17742P | SCOIL NAIS MHUIRE NAOFA KILTALE         |
| Primary School      | 17629T | S N PADRAIG NAOFA ARD A'CHATHA          |
| Primary School      | 17560J | S N SEOSAMH NAOMTHA DUN DOIRE           |
| Primary School      | 17513A | S N CILL BHRIGHDE KILBRIDE              |
| Primary School      | 16067V | SCOIL NAIS FININ NAOFA CLONARD          |
| Primary School      | 15483H | ST LOUIS N S RATHKENNY                  |
| Primary School      | 15104T | BRIDE NAOFA N S CANNISTOWN              |
| Primary School      | 11978O | SCOIL MHUIRE NS MOYLAGH                 |
| Primary School      | 09238I | BALLINLOUGH N S BALLINLOUGH             |
| Primary School      | 03275H | NEWTOWN N S NEWTOWN                     |
| Primary School      | 01309L | STACKALLEN N S STACKALLEN               |
| Post Primary School | 72010I | Beaufort College Trim Rd                |
| Post Primary School | 64350N | St Patrick's Classical School Moatlands |

## Jobs Initiative 2011

|       |                |        | Name of Achool                     |
|-------|----------------|--------|------------------------------------|
| MEATH | Primary School | 19768U | SCOIL MHUIRE ASHBOURNE             |
| MEATH | Primary School | 18169Q | S N RATH RIAGAIN BAILE AN BHOTHAIR |
| MEATH | Primary School | 17857J | S N AINDREIS NAOFA CURRAHA         |
| MEATH | Primary School | 17652O | SCOIL OILIBHEIR NAOFA COILLCLUANA  |

|       |                     |        | Name of Achool                            |
|-------|---------------------|--------|---|
| MEATH | Primary School      | 17494W | S N AN RATH MHOR RATHMORE                 |
| MEATH | Primary School      | 17203I | S N ULTAIN NAOFA DOMHNACH PADRAIG         |
| MEATH | Primary School      | 16722E | SCOIL CHOLMCILLE NAVAN ROAD               |
| MEATH | Primary School      | 16646O | ST MARYS CONVENT N S TRIM                 |
| MEATH | Primary School      | 12488C | OLDCASTLE MXD N S CHAPEL ST               |
| MEATH | Post Primary School | 91495T | Ashbourne Community School Deerpark       |
| MEATH | Post Primary School | 76088T | Ratoath College Jamestown                 |
| MEATH | Post Primary School | 71991T | Coláiste Pobail Rath Cairn Ráth Cairn     |
| MEATH | Post Primary School | 71970L | St. Fintinas Post Primary School Longwood |
| MEATH | Post Primary School | 64450R | Scoil Mhuire Convent Of Mercy             |

### Higher Education Grants

193. **Deputy Michael McCarthy** asked the Minister for Education and Skills the reasons for the delay in processing a maintenance grant application to the vocational education committee in respect of a person (details supplied) in County Cork and when the person may expect to receive money. [11599/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I understand that the student referred to by the Deputy was paid by Cork Institute of Technology on 15th April 2011 and a further instalment issued on May 13th 2011.

### School Transport

194. **Deputy Dara Calleary** asked the Minister for Education and Skills the envisaged savings in 2011 and in 2012 as a result of the changes to the school transport scheme. [11627/11]

195. **Deputy Dara Calleary** asked the Minister for Education and Skills if he will consider suspending changes to the school transport scheme until the review of school catchment areas is complete; the progress of that review; and if he will make a statement on the matter. [11628/11]

196. **Deputy Dara Calleary** asked the Minister for Education and Skills the appeals mechanism available to those affected by changes to the school transport scheme. [11629/11]

197. **Deputy Dara Calleary** asked the Minister for Education and Skills the number of schools affected on a county basis, based on the 2010/2011 academic year figures, by the change to the closed school rule in school transport scheme. [11630/11]

198. **Deputy Dara Calleary** asked the Minister for Education and Skills the number of schools affected on a county basis based in the 2010/2011 academic year figures by the change to the minimum numbers rule in the school transport scheme. [11631/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** I propose to take Questions Nos. 194 to 198, inclusive, together.

The four year national recovery plan requires savings of €4.5 million to be made through operational efficiencies and other savings measures in the school transport budget in 2011, rising to overall full year savings of €17million by 2014. The aggregation of the measures being implemented arising from the Value for Money Review will be an important element in achieving these savings.



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The changes to school transport services were announced in the 2011 Budget by the previous Fianna Fáil-Green Party Government and derive from recommendations in the Value for Money Review of the scheme. Given the major financial constraints facing the country, I regret that I cannot reverse the changes to school transport as announced by the previous Government. We all have to understand the legacy of economic mismanagement which the last Government gave to the country.

From the 2012/13 school year, the use of the catchment boundary system will cease for all new post-primary pupils. Eligibility for school transport for all new pupils entering post-primary will be on the basis of the nearest post-primary centre or school. Existing eligible post primary pupils will retain their eligibility for the duration of their post primary education cycle provided they continue to meet the terms of the current scheme.

The cessation of the Closed School Rule (CSR) is also scheduled to take effect in September 2012 and will apply only in the case of pupils commencing their primary education from that date. Available statistics, based on sampling undertaken as part of the Value for Money Review, indicate that the impact of this change will be limited as the majority of pupils categorised under the closed school rule are in fact attending their nearest school.

My Department has requested Bus Éireann to conduct a detailed analysis of the “on the ground” impact for individual primary schools and the rural communities they serve, in terms of the closed school rule and the minimum numbers. This analysis will be based on the most up to date information available on current school transport usage patterns and I expect to have this information available to me this summer.

### **Teachers' Remuneration**

199. **Deputy Jim Daly** asked the Minister for Education and Skills his plans to introduce a scheme that will involve adding five years of service to teachers over the age of 50 years to encourage their early retirement; and if he will make a statement on the matter. [11643/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I have no plans to introduce a scheme that would involve giving added years for pension purposes to teachers to encourage their early retirement.

### **Psychological Service**

200. **Deputy Dan Neville** asked the Minister for Education and Skills if an assessment will be carried out without delay in respect of a person (details supplied) in County Limerick; and if he will make a statement on the matter. [11666/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can inform the Deputy that all primary and post primary schools have access to psychological assessments either directly through my Department's National Educational Psychological Service (NEPS) or through the Scheme for Commissioning Psychological Assessments (SCPA) which is administered and paid for by NEPS.

In common with many other psychological services and best international practice, NEPS has adopted a consultative model of service. The focus is on empowering teachers to intervene effectively with pupils whose needs range from mild to severe and transient to enduring. Psychologists use a problem solving and solution focused consultative approach to maximize positive outcomes for these pupils. NEPS encourages schools to use a continuum based assessment and intervention process whereby each school takes responsibility for initial assessment, edu-

cational planning and remedial intervention for pupils with learning, emotional or behavioural difficulties. Teachers may consult their NEPS psychologist should they need to at this stage in the process. Only in the event of a failure to make reasonable progress, in spite of the school's best efforts in consultation with NEPS, will the psychologist become involved with an individual child for intensive intervention.

This system allows psychologists to give early attention to urgent cases and also to help many more children indirectly than could be seen individually. It also ensures that children are not referred unnecessarily for psychological intervention. This process has been embedded by NEPS psychologists in the Primary sector with the production by the Department of Special Educational Needs — A Continuum of Support.

I have checked on the matter with the NEPS service and the student in question has not been brought to the attention of the assigned psychologist by current school authorities. I would suggest that an approach be made to the relevant school principal in the first instance in this connection.

### **School Staffing**

201. **Deputy Áine Collins** asked the Minister for Education and Skills when a special needs assistant finishes in a school will they be put on a panel for their next job; and if not, the way same will operate. [11670/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Firstly, I wish to advise the Deputy that Special Needs Assistant (SNA) allocations are not permanent, as the level of SNA support allocated to a school may be increased or decreased as pupils who qualify for SNA support enrol or leave a school. They are also decreased where a child's care needs may have diminished over time. There are no plans to introduce a panel for SNA's.

I wish to advise the Deputy also that the recruitment and deployment of SNAs within schools are matters for the individual Principal/Board of Management. The Board is the SNA's employer and the terms of employment are subject to the conditions of the contract of employment.

The Deputy may be aware 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 SNAs to schools to support children with special educational needs. The NCSE operates within my Department's criteria in allocating such support. This now includes a requirement for the NCSE to have regard to an overall cap on the number of SNA posts.

The NCSE has issued a circular to all schools advising of the allocation process for the 2011/2012 school year. A key feature of the amended scheme will be to provide for an annual allocation of Special Needs Assistant support to eligible schools.

The NCSE asked schools to submit all applications for SNA support to them by 18th March, 2011 and intend to inform schools of their annual SNA allocation as soon as possible, in advance of the coming school year.

### **Schools Provision**

202. **Deputy Mary Lou McDonald** asked the Minister for Education and Skills his plans for a school (details supplied) in Dublin 7; and if these plans include its continuing use as a secondary school and a vital resource in its local community. [11674/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** My Department's most recent projections indicate that enrolments at post-primary level will rise from current levels of circa 312,200 pupils to about 336,600 pupils by the year 2017 and at primary level enrolments are expected to increase from the current total enrolment of circa 505,600 pupils to an expected enrolment circa 567,300 pupils by the year 2017.

It is within this context that the Forward Planning Section of my Department is finalising its analysis of all areas in the country in order to determine the level of additional school provision which will be required at both primary and post primary level up to 2017.

In the meantime, the school to which the Deputy refers has been approved funding under the 2011 Summer Works Scheme to undertake works to its electrical system.

### **School Staffing**

203. **Deputy Michael Lowry** asked the Minister for Education and Skills the number of retired teachers currently holding any primary school teaching positions, permanent, temporary, mainstream or otherwise, in counties Tipperary and Offaly; and if he will make a statement on the matter. [11676/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The information requested by the deputy is not available in the format requested.

Teachers employed in primary schools are paid on payrolls operated by my Department. There were one hundred and eighty six retired primary teachers in receipt of a pension paid on the primary payroll of the 12th May 2011. This includes appointments to all permanent, temporary and substitute positions in primary schools.

### **School Transport**

204. **Deputy Arthur Spring** asked the Minister for Education and Skills if the students of a school (details supplied) in County Kerry will continue to receive free school transport as agreed during the amalgamation process. [11677/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The changes to school transport were announced in the 2011 Budget by the previous Fianna Fáil-Green Party Government and derive from a recommendation in the published Value for Money Review of the scheme.

From the beginning of the 2011/12 school year a €50 charge, which applies to all eligible primary pupils, is being introduced to ensure that school transport provided for these pupils is fully utilised in a cost efficient manner. Eligible pupils holding medical cards and pupils with special educational needs will be exempt from paying the charge. In addition, the maximum family charge at primary level for eligible pupils will be €110 while the overall combined maximum charge per family is not being increased from the current rate of €650 per annum. Parents will continue to be given the option of spreading the annual payments over two instalments in July and December.

It is important to stress that there are a number of dimensions to the cessation of the Closed School Rule (CSR). The first of these, which will be implemented from September 2011, involves the uniform application of the distance criterion to all pupils travelling under the primary transport scheme, including those travelling under the CSR. This means that children residing less than 3.2 kilometres from their school of amalgamation will be deemed ineligible for school transport. In such cases, these children may apply for concessionary transport.

The second element of the change is scheduled to take effect in September 2012 and will apply only in the case of pupils commencing their primary education from that date. This second element will restrict school transport eligibility for those pupils entering in September 2012, to pupils who meet the distance eligibility criterion and are travelling to their nearest school.

Available statistics, based on sampling undertaken as part of the Value for Money Review, indicate that the impact of this change will be limited as the majority of pupils categorised under the CSR are in fact attending their nearest school and will not be affected by this change.

Before implementing this second main change which is proposed for 2012, my Department has requested Bus Éireann to conduct a detailed analysis of the “on the ground” impact for individual schools and the rural communities they serve. This analysis will be based on the most up to date information available on current school transport usage patterns and I expect to have this information available to me this summer. I will then have an opportunity to carefully examine the likely affects of this change well in advance of the 2012 implementation date.

Given the major financial constraints facing the country, I regret that I cannot reverse the changes to school transport as announced by the previous Government. We all have to understand the legacy of economic mismanagement which the last Government gave to the country.

### **Higher Education Grants**

205. **Deputy Arthur Spring** asked the Minister for Education and Skills if he will consider exempting students in receipt of the non-adjacent education grant living in rural areas without suitable public transport system and who were enrolled in full time third level education prior to the budget of 2011 from the new measures regarding grant allocation introduced in the budget. [11678/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I understand that the changes to the student grant schemes introduced under Budget 2011 by the previous Fianna Fail — Green Party government were designed to manage additional cost pressures arising from a significant increase in the number of students qualifying for grants, a proportionate increase in the number of students qualifying for higher rates of grants and payment of the Student Service Charge on behalf of grant-holders.

I regret that given current economic circumstances I am not in a position to reverse any of the 2011 budgetary changes to the student grant schemes including that relating to the qualifying distance criteria for the non-adjacent rate of grant.

I understand the concerns of students with regard to the 2011 measures and I will take account of these in considering any future changes as part of the budgetary process for 2012 and beyond, having regard to the position of the public finances.

### **Schools Refurbishment**

206. **Deputy Arthur Spring** asked the Minister for Education and Skills the position regarding funding for a school (details supplied) in County Kerry; and if he will make a statement on the matter. [11679/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I can confirm that the school referred to by the Deputy applied for funding under the 2011 Summer Works Scheme.

A list of 453 successful schools was announced on 30 March 2011. Applications from schools for gas, mechanical and electrical works were prioritised under the Summer Works Scheme

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funding this year and I regret that the application made by the school in question was not selected. A letter to this effect has issued to the school.

While further funding has been made available for school projects under the Government's Jobs Initiative, I regret that the application referred to above was also unsuccessful under the Initiative as it was necessary to prioritise some categories of works over others.

207. **Deputy Terence Flanagan** asked the Minister for Education and Skills the position regarding funding (details supplied) in respect of a person; and if he will make a statement on the matter. [11707/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The school referred to by the Deputy submitted an application for funding towards roof replacement under the Emergency Works Scheme in January 2011. The school was subsequently advised by my Department that due to budgetary constraints, replacement of the roof could not be considered. However, the school was advised to secure costings for repair works to the roof and to revert to my Department. A response is awaited.

I can confirm that the school also applied for funding under the 2011 Summer Works Scheme for window replacement. A list of 453 successful schools was announced on 30 March 2011 and I regret that the application made by the school in question was not selected. A letter to this effect has issued to the school.

Applications from schools for gas, mechanical and electrical works were prioritised for Summer Works funding this year. Unfortunately, due to the scale of demand for funding under the scheme, it was not possible to grant aid all applications and accordingly it has been necessary to prioritise some categories of works over others.

For works that are of a very urgent nature, it is open to the school authorities to consider if the works in question qualify for funding under the Department's Emergency Works Scheme. An emergency is deemed to be a situation which poses an immediate risk to health, life, property or the environment which is sudden, unforeseen and requires immediate action and, in the case of a school, if not corrected would prevent the school or part thereof from opening. Details of the Scheme, together with an application form for grant assistance, can be accessed on the Department's website at [www.education.ie](http://www.education.ie).

### School Staffing

208. **Deputy Robert Dowds** asked the Minister for Education and Skills if primary schools will be given a little flexibility in terms of retaining excellent temporary teachers who may not be on the redeployment panel; and if he will make a statement on the matter. [11729/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The process of allocating teaching resources to schools for 2011/2012 and the arrangements for filling vacant or new teaching posts, including temporary posts, takes place in the context of the EU/IMF Programme of Support for Ireland and the Public Service Agreement 2010/2014. It is necessary for my Department to exercise additional control and reporting measures this year to ensure that the numbers of teachers employed in schools is consistent with the EU/IMF Programme of Support for Ireland.

This requires that all permanent and fixed term positions are in the first instance made available to those surplus teachers with either permanent contracts or contracts of indefinite duration.

The purpose of these changes is to ensure all surplus teachers are absorbed into vacancies that exist in other schools. Flexible redeployment arrangements are required in order to ensure all surplus permanent teachers are redeployed into vacancies. The country simply cannot afford to have surplus teachers in a school while permitting recruitment to take place in another school. The Government is committed to ensuring the delivery of frontline services is protected as much as possible in our education system.

It is the intention of the Department to restore recruitment from fixed-term teachers on the main panels, supplementary panels or public advertisement at the earliest possible opportunity, after all the surplus permanent teachers have been redeployed.

Through these redeployment measures, the Government is committed to ensuring the delivery of frontline services is protected in as much as possible in our education system.

209. **Deputy Robert Dowds** asked the Minister for Education and Skills if he will examine the case of a school (details supplied) in County Dublin, which is due to lose two posts due to the suppression of resource teachers for traveller pupils; and the action that can be taken to save these posts for the school. [11731/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** I wish to advise the Deputy that the decision to withdraw Resource Teachers for Travellers was taken by the previous Government as part of the last Budget. The requirement to make expenditure savings and to ensure that staffing numbers remain within the Public Service Employment Control Framework prevent me from re-visiting this decision.

Resource Teacher for Traveller posts/Teaching Hours for Traveller pupils will be withdrawn, effective from 31st August 2011.

Traveller pupils who are eligible for learning support teaching should receive this tuition through the existing learning support provision in schools. All schools should select students for learning support on the basis of priority of need.

Limited alleviation or adjustment measures are being provided to assist schools that have high concentrations of Traveller pupils who were previously supported by Resource Teachers for Travellers.

In respect of DEIS, (Developing Equality of Opportunity in Schools), Traveller enrolments have been included in the valid enrolment for the purpose of allocating additional staffing under DEIS from the 2011/12 school year. The schools involved have already received their staffing allocations for next year.

For schools other than DEIS schools in receipt of enhanced pupil teacher ratios, alleviation measures are being provided to assist schools with high concentrations of Traveller pupils who were previously supported by RTT posts. Any alleviation measures must be considered in the context of the limited resources that are available to my Department. As such, alleviation measures are being concentrated on schools which had 33 or more pupils supported by RTT posts, based on 2009/10 school year enrolments.

210. **Deputy Robert Dowds** asked the Minister for Education and Skills if the request from a school (details supplied) in County Dublin for an English teacher as an additional language support post will be granted. [11732/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Significant support is given to schools by way of language support provision. The level of extra teaching support provided in respect of language support to any school is determined by the numbers of eligible pupils

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enrolled and the associated assessed levels of those pupils' language proficiency. This is done through an annual application process in the Spring/Summer of each year. My Department has received an application for language support in respect of the school referred to by the Deputy for the 2011-2012 school year. All such applications are currently being processed and schools will be notified of the outcome shortly.

### **Registration Fees**

211. **Deputy John Lyons** asked the Minister for Education and Skills the reason students attending post-primary education are required to pay a school registration fee; if he will outline the rights of parents in this regard; and if assistance is available to families who simply are unable to afford this fee. [11789/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** It is a fundamental principle of the free post-primary education scheme that no charge is made in respect of: instruction in any subject of my Department's programme for Secondary Schools; recreation or study facilities where all the pupils are expected to avail themselves of these as part of the school programme or; any other activities in which all pupils are required to take part.

The Department recognises that registration fees are sometimes requested by schools in order to avoid "double booking" of pupils in schools. Under current arrangements, schools are allowed to request a booking fee/registration fee when considering applicants for enrolment, provided this is refundable at all times following a decision on enrolment.

Voluntary contributions by parents or charges for optional extras over and above what is provided for in the general school programme are permissible under the scheme, provided it is made absolutely clear to parents that there is no question of compulsion to pay, and, that in making a contribution, they are doing so of their own volition.

### **School Staffing**

212. **Deputy Michael McCarthy** asked the Minister for Education and Skills the number of retired teachers, resource teachers and special needs assistants who, in 2009 and 2010, were re-hired by the education system on a short-term or contractual basis in tabular form; and if he will make a statement on the matter. [11809/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** The information sought by the Deputy is not available in the requested format.

There were one hundred and eighty six retired primary teachers in receipt of a pension paid on the primary payroll of the 12th May 2011. One hundred and forty seven post-primary retired teachers in receipt of pension will be paid on the post primary payroll of the 19th May.

There were two Special Need Assistants in receipt of pension paid on the non teaching staff payroll of the 12th May 2011.

### **School Curriculum**

213. **Deputy Eoghan Murphy** asked the Minister for Education and Skills if his attention has been drawn to the proposed new maths syllabus project codenamed project maths which has been designed to tackle both the issue of poor levels of performance in maths in the leaving certificate and the problem of the lack of teachers who are maths graduates; and if he will make a statement on the matter. [11822/11]

**Minister for Education and Skills (Deputy Ruairí Quinn):** Project Maths began in all second level schools in September 2010, building on the experience of 24 schools which began the initiative in 2008. The programme is designed to encourage better understanding of mathematics, to reinforce its practical relevance to everyday life, and to ensure better curriculum continuity across the system. A key objective is to improve attainment levels in Maths and to encourage more students to take the subject at higher level.

Project Maths has been widely welcomed by the partners in education, the Expert Group on Future Skills Needs, the National Competitiveness Council, Engineers Ireland, the Task Force on Innovation, and by higher education and industry interests.

Improving understanding of and attainment in mathematics is a critical part of the strategy to promote Ireland as a smart economy. Project Maths is being implemented in junior and senior cycle simultaneously, and is being phased in over a three period across 5 strands of mathematics as follows:—

- Phase 1: Strand 1 — Statistics and Probability + Strand 2 — Geometry and Trigonometry.
- Phase 2: Strand 1+2+ Strand 3 — Number + Strand 4 — Algebra.
- Phase 3: Strand 1+2+3+4+ Strand 5 — Functions.

The programme is being supported by a comprehensive programme of investment in professional development for teachers, and the provision of resource materials, details of which are available at [www.projectmaths.ie](http://www.projectmaths.ie).

I am aware of the issues which have been highlighted in regard to the qualifications of mathematics teachers. Information from the Teaching Council when applied to the estimated 5900 staff teaching mathematics at second level, would suggest that 65% have a qualification in mathematics.

The deployment of teachers to subjects which are not part of their major qualification is also a feature of education systems in other jurisdictions. For example, a report in 2010 on the issue of out-of-field teaching in mathematics ([www.nce-mstl.ie](http://www.nce-mstl.ie)) shows that Finland, Canada and Australia, (which ranked 2nd, 6th, and 8th respectively in Mathematics out of 57 countries in the 2006 OECD PISA (Programme of International Student Assessment)) study had 68%, 25% and 72% respectively of students taught by certified teachers with mathematics as a major qualification.

As part of Project Maths, funds have been provided for the development of post graduate courses in mathematics for those who need additional support, or who do not hold a qualification in mathematics. My Department proposes to tender for these courses shortly.

### **School Transport**

214. **Deputy Sean Fleming** asked the Minister for Education and Skills if approval will be given for a school bus route to bring pupils to a primary school (details supplied) in County Laois; and if he will make a statement on the matter. [11830/11]

**Minister of State at the Department of Education and Skills (Deputy Ciarán Cannon):** The school transport scheme is operated by Bus Éireann on behalf of my Department.

Under the terms of my Department's Primary School Transport Scheme, children are eligible for school transport if they reside not less than 3.2 kilometres from and are attending their nearest national school, as determined by my Department, having regard to ethos and language.



[Deputy Ciarán Cannon.]

School transport services may be established or retained provided this can be done within reasonable cost limits, where there are a minimum of 10 eligible children residing in a distinct locality, as determined by Bus Éireann.

Parents/guardians of eligible children should liaise with their local Bus Éireann office regarding the availability of school transport services.

### **Building Regulations**

215. **Deputy Brendan Ryan** asked the Minister for Enterprise, Trade and Innovation with regards to the level of pyrite acceptable in quarry stones as set out by the National Standards Authority of Ireland in SR21, the reason the NSAI so far has not moved to the latest international guidelines which require a lower standard of pyrite in quarry stones, as the UK have done; and if he will make a statement on the matter. [11290/11]

**Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton):** I am informed by the National Standards Authority of Ireland (NSAI) that the quarry material that gave rise to the presence of reactive pyrite in houses was a fill material used beneath ground floor concrete slabs. The NSAI published the product standard associated with this material, which is I.S. EN 13242:2002 + A1 2007 (Aggregates for unbound and hydraulically bound materials for use in civil engineering work and road construction). This standard is a harmonized European standard mandated under the Construction Products Directive (89/106/EEC). In addition to this European standard, NSAI has published a supplementary guidance document S.R. 21:2004 + A1 2007 which is a guidance document for the application in Ireland of the previously mentioned European standard.

NSAI have informed me that the standard does not address the issue of the presence of pyrite in aggregates nor does it prescribe a test to make such a determination or to set limits on its presence. Given the absence of particular requirements for pyrite in the European standard and in keeping with CEN (European Standards body) regulations, NSAI is restricted as to the extent to which the pyrite issue can be addressed through its publication S.R. 21. However, in response to an intervention by the then Minister for the Environment, Heritage and Local Government in order to address industry concerns with regard to pyrite, NSAI agreed to amend S.R. 21 in 2007, in order to provide advisory guidance to specifiers and producers of aggregate with regard to the type of aggregate material to be used for fill purposes.

NSAI understand that the issues of presence of or tests for pyrite in quarry stones have not been addressed by the British Standards Institute (BSI) through its national publication of the European standard (BS) EN 13242 or through the BSI's accompanying UK guidance document BS PD 6682-6 (Aggregates for unbound and hydraulically bound materials for use in civil engineering works and road construction — Guidance on the use of BS EN 13242).

The national Building Regulations are the responsibility of the Minister for Environment, Community and Local Government. I understand that the relevant Technical Guidance Document (TGD-C) to the Building Regulations was amended to reference the amended NSAI SR, and give it practical effect in the context of building works. A copy of the relevant amendment to TGD-C is available at [www.environ.ie](http://www.environ.ie).

### **Departmental Programmes**

216. **Deputy Kevin Humphreys** asked the Minister for Enterprise, Trade and Innovation if Chambers Ireland has completed repayments for outstanding sums owed in relation to three

programmes, namely Dawn, Prism III and the Competency Development Programme; the amounts, if any, of sums that have been written off; if Chambers Ireland has received any funding since September 2010; and if he will make a statement on the matter. [11154/11]

**Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton):** I have responsibility for the PRISM III Programme, and as a result, I can only provide material in relation to that Project.

The other two programmes, i.e. Dawn and the Competency Development Programme are matters for the Minister of Education and Skills and should be referred to that Department for reply.

In June 2003, Chambers Ireland was allocated funding under the Information Society Fund, for their Prism III project. Following the project's conclusion at the end of 2003 and the production of audited accounts, an expenditure amount of €52,111 was deemed ineligible out of the overall €500,000 total.

Chambers Ireland subsequently reached agreement with my Department to refund the amount of €52,111 over a period of time. Chambers Ireland fully repaid this amount to the Department by the end of 2010. No sums were written off in relation to the PRISM III project. My Department welcomes the satisfactory resolution of this issue.

There have been no payments to Chambers Ireland by my Department since September 2010.

### Departmental Reports

217. **Deputy Dara Calleary** asked the Minister for Enterprise, Trade and Innovation further to Parliamentary Question No. 195 of 12 April 2011, the progress made on this matter; the other Ministers who have been contacted; and if he will make a statement on the matter. [11197/11]

**Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton):** The Economic Scoping Report contains a wide range of proposals for the economic development of the Airport and its hinterland. My Department has circulated the report to the Departments of Transport, Tourism and Sport; Communications, Energy and Natural Resources and Environment, Heritage and Local Government for their observations on the recommendations that come within their area of responsibility. The views of Enterprise Ireland and IDA Ireland have also been sought and my Department will consider the observations on their receipt.

### Departmental Agencies

218. **Deputy Dominic Hannigan** asked the Minister for Enterprise, Trade and Innovation the number of State agencies or organisations under his remit which are paid up members of the Irish Business and Employers Confederation; the name of each agency or organisation; the amount each State agency or organisation paid to the Irish Business and Employers Confederation for the years 2007, 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [11321/11]

**Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton):** This is a day to day matter for the agencies in question and I have no direct function in the matter.

### Departmental Expenditure

219. **Deputy John McGuinness** asked the Minister for Enterprise, Trade and Innovation if he will confirm the number of credit cards issued by him and to whom; the criteria for issuing

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such cards; the credit card company used; if a competitive process was used to select the company; if the facility has had to be withdrawn from any person; and if he will make a statement on the matter. [11554/11]

**Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton):** I interpret the Deputy's question as relating to corporate charge cards issued by my Department.

Since my taking Office as Minister my Department has not issued any corporate charge cards, one card has been cancelled and none have been withdrawn.

My Department recognises that certain staff may incur substantial up-front costs in the course of their official business. In this context, my Department can facilitate the issuing of a corporate charge card by a commercial provider. In order to be provided with this facility staff must satisfy certain criteria; there must be a business need for the card and a supervisor at Principal Officer level or higher must approve the application. In addition, the Finance Officer must be satisfied that the applicant is required to travel on a regular basis and/or requires the charge card facility, having regard to the officer's duties.

Staff who are issued with corporate charge cards under this arrangement hold individual accounts with the issuing credit card company. Each cardholder is responsible for paying any balances due on his/her account directly to the credit card company. In this context, it would not be appropriate to provide the names of the officials holding these cards.

Staff are entitled to reclaim from my Department travel, subsistence and other official expenses incurred in connection with their official duties, in accordance with Department of Finance regulations and applicable rates. Reimbursements of this nature are paid directly to the officers concerned. As mentioned above officers are responsible for paying the balances due directly to the credit card company.

At present, 7 staff of my Department hold corporate charge cards under the arrangement outlined above. I can advise the Deputy that my Department has more recently explored alternative providers and my officials are satisfied that the current provider best meets the Department's requirements.

### **Smithfield Market**

220. **Deputy Terence Flanagan** asked the Minister for Enterprise, Trade and Innovation if he will respond to correspondence (details supplied) regarding Smithfield horse fair, Dublin 8; and if he will make a statement on the matter. [11572/11]

**Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton):** The welfare of animals is a matter for my colleague the Minister for Agriculture, Fisheries and Food.

As far as the horse fair in Smithfield in Dublin is concerned, in response to calls for the extinguishment of the market right, I sought the advice of the Attorney General. The advice I have received confirms that Dublin City Council is the owner of the market right and that this ownership together with the ample powers conferred on local authorities under the Casual Trading Act, 1995 enables Dublin City Council to regulate the market in such a way that the concerns expressed can be addressed.

### **Health and Safety Regulations**

221. **Deputy Dara Calleary** asked the Minister for Enterprise, Trade and Innovation to whom has he delegated powers in relation to the Health and Safety at Work Acts; his views on the

level of farm fatalities in 2011; his plan for dealing with same; and if he will make a statement on the matter. [11632/11]

**Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton):** I have not delegated any powers under the Safety, Health and Welfare at Work Acts 2005 to 2010 to a Minister of State.

The levels of farm fatalities recorded in recent years have been extremely high given the numbers employed in the agriculture sector as a proportion of the overall labour force. Unfortunately this trend has continued since the turn of the year, where over one third of workplace fatalities so far in 2011 have occurred in the agricultural sector.

The Health and Safety Authority has specifically targeted farm safety as a priority area for 2011 and plans to increase its visits to farms to 3,000 in 2011.

I have recently announced my intention to call farming interests together in the near future to discuss farm safety and to encourage them to continue to spread the farm safety message. I am aware of an increased focus on farm safety by all farm interests and I appreciate the efforts which have been put into promoting awareness within their organisations and to their members.

Agriculture is a vital element in Ireland's recovery and it is imperative that those who work in this area do so in the safest way possible.

### **Legislative Programme**

222. **Deputy Dara Calleary** asked the Minister for Enterprise, Trade and Innovation the position regarding the Employment Law Compliance Bill; and when he proposes to bring it to committee. [11633/11]

**Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton):** As the Deputy will appreciate, there are a number of specific legislative priorities to be addressed by me under the Programme for Government. In due course, therefore, I will be reviewing the position regarding the EMPLOYMENT LAW COMPLIANCE BILL 2008 which lapsed on the dissolution of the 30th Dáil.

### **Proposed Legislation**

223. **Deputy Dara Calleary** asked the Minister for Enterprise, Trade and Innovation the legislative changes envisaged as a result of the review in the Joint Labour Committee and registered employment agreements. [11634/11]

**Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton):** The report of the independent review team has been completed and was received by me on 28th April. I am currently examining the Report and it will be published and made available to Members of the Oireachtas, following consideration by the Government.

It is proposed to have early discussions with the European Commission Services on the main findings of the review, in line with the provisions in the EU/IMF Programme. Arising from these discussions, I will present a time-bound comprehensive action plan to follow up on the report's recommendations, setting out proposals for any legislative action that may be necessary to give effect to reform measures. Consultation with, and the co-operation of, relevant stakeholders will also be sought to ensure that the required reforms can be progressed as a matter of urgency.

### Jobs Initiative

224. **Deputy Dara Calleary** asked the Minister for Enterprise, Trade and Innovation the 2011 budget for the proposed temporary partial credit guarantee scheme as announced by him on 10 May; his plan for the implementation of such a scheme; and if he has the agreement of the Department of Finance for such a scheme. [11635/11]

**Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton):** As part of the Jobs Initiative announced in this House last Tuesday, 10th May, both the Minister for Finance and I confirmed the Government commitment to initiating a tendering process for the development of a temporary, partial credit guarantee scheme.

The design of the scheme will draw from international experience to support new lending that would not otherwise have been extended by the banks. In this way, the scheme will complement, rather than be a substitute for, existing lending activities by the main financial institutions. It will be designed to encourage banks to lend to new or expanding commercially viable SMEs so that they can grow their company, develop new products or expand in to new markets.

The Government's commitment will be for an initial period of one year. Specific performance criteria will be set down that allow for review and revision of the scheme at the end of that initial period before committing to a roll-over of the scheme for subsequent years. There will be a modest, and known, level of exposure to the taxpayer when the scheme is launched but there will be a significant positive knock-on benefit to the economy in terms of job creation, welfare savings and returns to the Exchequer by way of tax revenue generated.

Any costs arising in 2011 will be minimal and associated with the design and set up of the scheme which is due to be in place by the autumn.

### Employment Rights

225. **Deputy Jim Daly** asked the Minister for Enterprise, Trade and Innovation his views on the National Employment Rights Authority regulations that the struggling service industries are bound by in relation to the higher minimum wage that is stipulated; and if he will make a statement on the matter. [11641/11]

**Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton):** I presume the Deputy is referring to the statutory minimum rates of pay that are provided for in Employment Regulation Orders under the Joint Labour Committee (JLC) system.

Minimum rates of pay, and other conditions of work, for workers in certain sectors are determined by JLCs. Each JLC is composed of representatives of workers and employers in the sector concerned. JLCs operate in areas where collective bargaining is not well established and wages tend to be comparatively low, for example in the Hotels, Catering and Retail Grocery sectors. While JLCs are established by means of a statutory order made by the Labour Court, they are independent bodies — with representatives of employers and workers — which determine minimum rates of pay and conditions of employment for workers in their respective sectors. The pay and conditions agreed by the JLCs are given the force of law in Employment Regulation Orders made by the Labour Court on foot of proposals made to the Court by the JLCs. NERA has no function with regard to the making of the EROs, but rather is the body responsible for their enforcement.

We need to ensure that statutory wage fixing mechanisms work effectively and efficiently and that they do not have a negative impact on economic performance and employment levels.

Any such mechanism in a modern economy must be responsive and fit for purpose in the context of the challenges being faced by employer and employee alike.

In this context, an independent review of the statutory wage setting mechanisms was initiated on 8 February last and was undertaken jointly by Kevin Duffy, Chairman of the Labour Court acting in an ad hoc capacity, and Dr Frank Walsh, School of Economics, UCD, under specific terms of reference.

The review is a commitment under the EU/IMF programme, which provided not only for agreement with the European Commission Services on the terms of reference but also for follow up discussions on the programme of actions arising.

The report of the independent review team has been completed and was received by me on 28th April. I am currently examining the Report and it will be published and made available to Members of the Oireachtas, following consideration by the Government.

It is proposed to have early discussions with the European Commission Services on the main findings of the review, in line with the provisions in the EU/IMF Programme. Arising from these discussions, I will present a time-bound comprehensive action plan to follow up on the report's recommendations, setting out proposals for any legislative action that may be necessary to give effect to reform measures. Consultation with, and the co-operation of, relevant stakeholders will also be sought to ensure that the required reforms can be progressed as a matter of urgency.

### Departmental Reports

226. **Deputy Pádraig Mac Lochlainn** asked the Minister for Enterprise, Trade and Innovation if he will ensure that the annual reports on the regulation of the licensing and monitoring of exports and brokering of military and dual-use goods from Ireland under the Control of Exports Act 2008 due to be laid before Dáil Éireann under that Act are produced in a timely fashion in view of the fact that no annual report has yet emerged for the years 2008, 2009 or 2010. [11665/11]

**Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton):** I fully appreciate that there are a wide range of stakeholders in the area of export control that rightly expect increasing transparency in the operation of export controls. It is for this reason that I propose to publish the first report on the operation of the Control of Exports Act 2008 imminently. The report will provide much greater transparency than heretofore in regard to both dual-use and military exports, including a country by country breakdown on the destination of exports for the years 2008 and 2009.

At the time of publication of the report I will be making a number of proposals to ensure more timely publication of relevant information related to dual use and military exports, including the Annual Report which is required under the Control of Exports Act.

### Official Engagements

227. **Deputy Seán Kenny** asked the Minister for Enterprise, Trade and Innovation if he will report on his recent trade mission to India and Saudi Arabia; and the number of jobs that are expected to be created from the trade mission. [11733/11]

**Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton):** On this recent Trade Mission, organised by Enterprise Ireland, I led a group of 22 Irish companies to India. — 11 Educational bodies and 11 others, mainly in the IT, telecommunications, and construction sectors. For the Saudi Arabia programme, I had 13 leading Irish universities and Institutes of

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Technology and 10 construction companies involved. The Trade Mission has been organised because of the high growth potential for Irish exports to both countries and as a direct response to growing interest in the market among Irish companies. The key objective of the mission was to highlight the excellence of Ireland's higher education offering and the product and service capability of Irish companies generally.

Both countries are recognised as high growth potential markets for Irish exporters in the recently launched strategy and action plan for Irish Trade, Tourism and Investment to 2015, entitled *Trading and Investing in a Smart Economy Strategy*.

India is rapidly transforming into a global economic powerhouse and there has been a doubling of Enterprise Ireland client company exports to that country over the last three years. With a population of 1.2bn India is forecast to become a major world economic power by 2020. Its shift to a more open economic policy in the 1990s, dismantling trade barriers and welcoming foreign investment, has resulted in unprecedented economic growth and a more business-friendly environment. India is the 7th largest country in the world and the 4th largest economy in terms of purchasing power. It now ranks next to China in terms of the pace of economic development. Economic growth has averaged more than 7% per year since 1997.

In relation to Saudi Arabia, Irish exports to that country have been growing very strongly and we are keen to build on these successes. Saudi Arabia has by far the largest population (approximately 27million) in the Gulf region and this is growing rapidly, exacerbating serious infrastructural deficits that match newly available Irish supply capability. Crucially, that country can readily fund all of its development needs and their administration has recently announced considerable additional funding for social spending and physical infrastructure. This offers additional opportunities for Irish companies. Surging oil prices are ensuring continued financial security.

During the mission, I was involved in a range of promotional and networking events for the participants, including leading the Irish companies in key corporate presentations to promote their products and services to potential partners and buyers. In addition, I met key political leaders, including relevant Ministers and also corporate decision makers, in both countries, to endorse and promote Irish companies and Irish products and services.

Given the particular focus on educational services in both countries, I formally launched the "Education in Ireland" brand in Saudi Arabia, from where we currently have over 400 students currently studying in our Higher Education Institutions, as well as the same number of Saudi students studying English language in Ireland. In addition I launched a new 'trusted agents' programme to promote Irish higher-level education in India.

The education of both Indian and Saudi students in Irish colleges is an important element in reinforcing the positive trading relationship with these countries and we are keen to further develop this area for our mutual benefit.

Given the gradual lead-in time involved in fully developing new contracts, relationships and links, it is not possible at this stage to specify levels of additional jobs which will arise in the companies and bodies that participated on the mission. However, given the size of both the Indian and Saudi economies, and the growth opportunities in both countries, I believe there is significant job creation potential for Irish companies.

### **Trade Missions**

228. **Deputy Seán Kenny** asked the Minister for Enterprise, Trade and Innovation his plans to have a new trade mission to China. [11734/11]

**Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton):** The Government attaches great importance to developing our trade and bilateral links with our Asian partners and in particular with China. The latest available data shows that Ireland has a modest trade surplus with that country, a dramatic turnaround from the position as recently as in 2006, when we had a trade deficit of €2.9bn with China. We look forward to building on the excellent bilateral relations that exist between our two countries to further enhance our trade, investment, education and tourism links with China. Towards this end, the recently launched strategy and action plan for Irish Trade, Tourism and Investment to 2015, entitled *Trading and Investing in a Smart Economy* Strategy, has identified China as a key high-growth and high-potential market for Ireland.

Key instruments to pursue trade expansion are, of course, Trade Missions. In this context, the Taoiseach very much hopes to be in a position to lead a Trade Mission to China, perhaps later this year, though of course this is a matter for agreement with the Chinese authorities. Contact between our respective administrations is continuing, including through our Embassy in Beijing, to see if a visit can be confirmed on mutually acceptable dates. The Taoiseach will, of course, be accompanied by other relevant Ministers on that Mission, in order to maximize its trade and other benefits for Ireland.

### Jobs Initiative

229. **Deputy Brian Stanley** asked the Minister for Enterprise, Trade and Innovation the number of green jobs that will be generated from the new jobs initiative. [11528/11]

**Minister for Enterprise, Trade and Innovation (Deputy Richard Bruton):** The Jobs Initiative, which was outlined to the Dáil on 10th May by the Minister for Finance, outlined a range of measures which will be taken to assist people to get back to work, stimulate the domestic economy and restore confidence in Ireland internationally.

As part of the Jobs Initiative, the Minister for Finance announced that an additional €30 million would be invested in the national Retrofit Home Energy Efficiency and Renewable Energy Programmes this year. The Minister for Communications, Energy and Natural Resources, Minister Rabbitte announced that this investment would be matched by a further €30 million in private sector investment, and would support an additional 2,000 jobs in 2011. This is on top of the 3,800 jobs already supported by the existing budget allocation for retrofitting.

Energy retrofitting is just one area where the potential exists for jobs to be generated in the green economy. Other measures announced in the Jobs Initiative, such as halving the lower rate of employer's PRSI until end-2013 on jobs that pay up to €356 per week, and incentives in the tourism sector, will help to promote jobs in green tourism.

Equally, the reform of the system of sectoral wage agreements offers scope to further generate jobs across the wider economy. I recently received the Report of the Independent Review of Employment Regulation Orders and Registered Employment Agreements, which indicates that the system requires radical overhaul to make it fairer and more responsive to changing economic circumstances and labour market conditions. I intend to announce details of this wide ranging reform in the coming weeks.

The new initiatives announced in the Jobs Initiative to help improve credit to business will further support the creation of jobs in the economy generally. I will develop a proposal with the Minister for Finance for a targeted partial loan guarantee scheme which we intend to have in place by the Autumn. This measure will be of particular help to the type of innovative companies that operate in the green economy. For every €400m that is guaranteed by the



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State an additional 4,500 companies can get further credit that will in turn create more than 8,000 jobs.

The Jobs Initiative was an important step in delivering the Government's objectives of restoring confidence in the economy, improving our competitiveness and facilitating job creation and retention. I am continuing to work, along with the enterprise agencies and with my colleagues in Government, to develop further initiatives in sectors which offer potential for job creation, including the green economy. Details of these initiatives will be announced in due course.

### Social Welfare Code

230. **Deputy Pearse Doherty** asked the Minister for Social Protection her plan to include or introduce a disregard for the new agri-environment options scheme payment for farmers applying for farm assist. [11182/11]

**Minister for Social Protection (Deputy Joan Burton):** The farm assist scheme is a means-tested payment broadly similar to the jobseeker's allowance scheme. It features a more generous means test, which takes account of the specific nature of farming and, unlike jobseeker's allowance, farmers claiming this payment do not need to be available for work outside of the farm in order to qualify.

The agri environment options scheme (AEOS) is an agri-environment scheme and is the successor to the rural environment protection scheme (REPS). While both schemes give farmers a five year agri-environment contract, AEOS provides a more targeted approach to protecting the environment and is specifically aimed at addressing the key challenges of biodiversity, water quality and climate change. The Minister for Agriculture, Food and the Marine relaunched the AEOS on 6 April, 2011. Funding of €25m per annum has been allocated to the scheme, with the maximum payment per farmer set at €4,000 per annum.

AEOS payments are not disregarded for means testing purposes under the farm assist scheme. Any changes to the farm assist scheme would have to be considered in a budgetary context.

*Question No. 231 withdrawn.*

### Social Welfare Benefits

232. **Deputy Kevin Humphreys** asked the Minister for Social Protection if the free travel scheme for persons aged 66 years and over will be restricted on new private bus routes; if the free travel scheme will apply to a new service (details supplied); and if she will make a statement on the matter. [11299/11]

233. **Deputy Peter Mathews** asked the Minister for Social Protection if she will ensure that old age pensioners will receive free transport from private bus companies (details supplied); and if she will make a statement on the matter. [11405/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 232 and 233 together.

The free travel scheme permits free travel on most CIE public transport services, Luas and a range of services offered by over 90 private operators in various parts of the country at an annual cost to the exchequer of some €74 million in 2010. The scheme is available to persons aged 66 years or over, to carers and to certain categories of people in receipt of social welfare payments.

As outlined in The National Recovery Plan 2011-2014 funding for the free travel scheme is frozen at 2010 levels of expenditure for the duration of the plan. In March 2011, the Department received an application under the free travel scheme for the new route referred to by the Deputies. In the circumstances, the Department is not in a position to consider applications for additional routes to the scheme which would incur increased costs. Free travel customers can avail of alternative free transport services under the scheme to reach Dublin Airport.

The measure has not impacted on existing levels of service available under the free travel scheme. Nor does it impact on the number of customers who can qualify for the scheme or the qualifying conditions.

234. **Deputy Billy Timmins** asked the Minister for Social Protection the position regarding the rates of pay for married men and single men; if there is a difference in the rates of pay if they are on community employment schemes; and if she will make a statement on the matter. [11603/11]

274. **Deputy Billy Timmins** asked the Minister for Social Protection the position regarding the social welfare rates of pay for married men and single men; if there is a difference in the rates of pay; if there is a difference if they are on community employment schemes; and if she will make a statement on the matter. [11602/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 234 and 274 together.

In general, the rate of social protection payment is not based on marital or civil status. In respect of jobseeker's payments, the amount paid reflects any means assessed, where means are relevant, with appropriate additional payments for a dependant adult and children, as appropriate. The rates paid by FÁS in respect of CE are based on the actual rates of social welfare payments made by my Department prior to commencing employment, with some exceptions. When a person commences CE, their jobseeker's payment ceases and they transfer to the FÁS-funded payment instead. The standard payment on CE is €208 per week and all participants receive this as a minimum payment, regardless of the prior social protection payment. Any person with a social protection payment which was means assessed for an amount below €188 (including provision for adult and child dependants) will receive a minimum of €208 per week (gross) from CE. A person who was assessed to receive an amount in excess of €188 per week by my Department will receive the same rate on CE as their social protection payment, plus the €20 per week CE participation bonus.

Persons in receipt of disability-linked social protection payments retain some or all of their original social protection payment (this can include provision for an adult and child dependants) and additionally receive the CE single adult rate of €208 per week from FÁS.

Lone parents retain most of their original social protection payment (including full child dependant allowances) and additionally receive the CE single adult rate of €208 per week plus an additional €29.80 per week per child.

### **Ministerial Responsibilities**

235. **Deputy Noel Grealish** asked the Minister for Social Protection the Minister who will have responsibility for promoting the national carer's strategy in line with the commitment in the programme for Government; and if she will make a statement on the matter. [11619/11]

**Minister for Social Protection (Deputy Joan Burton):** The Programme for Government was adopted by the Government at its first meeting as the framework for its work over coming

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years. It sets out the policies and initiatives to be progressed over the term of the Government to tackle the many and varied challenges facing the country. The Department of the Taoiseach will be supporting the implementation of the Programme as a whole and it will do this with a more explicit focus on its role as a Cabinet Office.

As part of the Programme for Government, the Government is committed to developing a carers' strategy. It will consider how to progress the development of the strategy, including ministerial responsibility, taking into account the prevailing economic realities.

The Department of the Taoiseach chaired an interdepartmental group in 2008 which undertook work, to develop a National Carers' Strategy. The Departments of Finance, Enterprise, Trade and Employment, Health and Children, and Social and Family Affairs, as well as the Health Services Executive (HSE) and FÁS were represented on the group. While each of the themes set out in the terms of reference was examined in terms of the current position, because of the prevailing economic situation, it was not possible to agree future targets or time limits which could be achieved. In that context, rather than publishing a document which did not include any significant plans for the future, the then Government decided not to publish a strategy.

### **Pension Provisions**

236. **Deputy Terence Flanagan** asked the Minister for Social Protection her views on the charges currently levied by fund managers on private pension schemes; her plans to change the current system; and if she will make a statement on the matter. [11637/11]

**Minister for Social Protection (Deputy Joan Burton):** The overall objective of the pension system is to provide an adequate basic standard of living through direct state supports and to encourage people to make supplementary pension provision for themselves so that they can have an adequate income in retirement. A system which delivers on this objective must be sustainable and affordable. The charges associated with the provision of private pensions are an important element in achieving these objectives in an effective and efficient manner.

The National Pensions Framework which was launched in March 2010 recognises the difficulty that people can have in understanding the various charges that can arise and how these charges are applied. In this regard, it was proposed in the framework to introduce regulations to increase the transparency of pension charges.

Following the publication of the framework, the Government established a number of groups to analyse all options in relation to the National Pensions Framework. These groups, comprising officials from a number of Government departments and agencies are charged with overseeing all elements of the implementation process. One of these groups is charged, among other things, with examining the options to bring greater simplification and transparency to the issue of pension charges.

### **Jobs Initiative**

237. **Deputy Patrick O'Donovan** asked the Minister for Social Protection if the new government internship programme could facilitate apprenticeships on farms for those who wish to receive training in agriculture; and if there will be places for farmers among the 20,000 training places on the programme. [11657/11]

**Minister for Social Protection (Deputy Joan Burton):** Last week the Government announced the Jobs Initiative which contained an additional 20,900 training, education and work experience places for the unemployed. The new National Internship Scheme was one of the new

measures contained in the Jobs Initiative and will provide 5,000 participants with a work experience opportunity for between 6-9 months in the public, private or community and voluntary sectors.

Under this scheme unemployed individuals who are on the Live Register and have been in receipt of Jobseeker's Allowance / Benefit or signing on for credits for at least 3 months will be eligible to participate and will receive €50 in addition to their existing social welfare payment. The National Internship Scheme is not an apprenticeship nor will it contain a specific training element. However, it will provide participants with the opportunity to gain valuable work experience while maintaining close links with the labour market. Internships will only be provided in organisations that are a legal entity and have a minimum of 1 full time employee. If a farm qualifies under these criteria then they will be free to offer an internship opportunity.

In relation to the remaining 15,900 new activation places for the unemployed, they are in the education and training sectors and fall under the remit of my colleague the Minister for Education and Skills, Mr Ruairí Quinn T.D. I have been informed that farmers and other individuals will be able to access these additional places subject to their meeting the specific eligibility criteria of the relevant programmes.

### **Social Welfare Benefits**

238. **Deputy Noel Harrington** asked the Minister for Social Protection if an application for supplementary welfare will be awarded in view of the extenuating circumstances to a person (details supplied) in County Cork; and if she will make a statement on the matter. [11660/11]

**Minister for Social Protection (Deputy Joan Burton):** Under the Supplementary Welfare Allowance scheme an exceptional needs payment (ENP) may be made by the Health Service Executive (HSE) to help meet an essential, once-off cost which the applicant is unable to meet out of his/her own resources. There is no automatic entitlement to this payment. Each application is determined by the HSE based on the particular circumstances of the case. Eligible people would normally be in receipt of a social welfare or HSE payment.

The HSE has advised that the application for assistance from the person concerned was refused as the need was not established. The person concerned was advised in writing of her right to appeal the decision to the relevant appeals office in the HSE.

The HSE has further advised that the appeals officer has upheld the decision of the Community Welfare Officer to refuse an ENP to the person concerned.

239. **Deputy Ciarán Lynch** asked the Minister for Social Protection the number of landlords in receipt of rent supplement payments who are resident overseas; the value of such payments; and if she will make a statement on the matter. [11710/11]

**Minister for Social Protection (Deputy Joan Burton):** Of the 97,400 tenancies, where rent supplement is currently payable, the Department systems show 1,725 tenancies where the landlords address is recorded as outside the State. Rent supplement is paid directly to the tenant in Ireland in 1,500 of these cases with 200 cases where the rent supplement is paid directly to the landlord outside of the State.

The current annual value of rent supplement payments made to tenants whose landlords live outside the state is approximately €8.2 million per annum; this represents approximately 1.6% of the total expenditure on rent supplement. The value of rent supplement payments being paid directly to landlords living abroad is approximately €1 million per annum; this represents approximately 0.2% of the total expenditure on rent supplement.

*Question No. 240 withdrawn.*

### **Social Welfare Appeals**

241. **Deputy Áine Collins** asked the Minister for Social Protection when a decision will issue on an appeal for domiciliary care allowance in respect of a person (details supplied). [11971/11]

242. **Deputy Finian McGrath** asked the Minister for Social Protection the position regarding domiciliary care allowance in respect of a person (details supplied). [11908/11]

243. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Social Protection the position regarding a domiciliary care allowance appeal in respect of persons (details supplied). [12157/11]

265. **Deputy Joan Collins** asked the Minister for Social Protection if she will review an appeal for domiciliary care (details supplied). [11448/11]

289. **Deputy Jonathan O'Brien** asked the Minister for Social Protection the reasons a domiciliary care allowance was refused in respect of a person (details supplied); and if she will make a statement on the matter. [11815/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 241 to 243, inclusive, 265 and 289 together.

The Social Welfare Appeals Office has advised me that an appeal by the person concerned was registered in that office on 05 February 2011. 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 12th March 2011 and the appeal will be referred to an Appeals Officer, in due course, who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### **Social Welfare Appeals**

244. **Deputy Frank Feighan** asked the Minister for Social Protection the position regarding a respite application in the case of a person (details supplied) in County Roscommon which is with her Department since June 2009. [11149/11]

**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 14 February 2011. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 08 March 2011 and the appeal will be referred to an Appeals Officer, in due course, who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing. The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

### Social Welfare Benefits

245. **Deputy Eric Byrne** asked the Minister for Social Protection the position regarding the delay in processing rent supplement in respect of a person (details supplied) in Dublin 12; when payment will issue and if the application will be dealt with as a matter of urgency. [11188/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised the person concerned made an application for rent supplement on 25 February 2011 and has been requested to provide further information in order to process his application for rent supplement. A decision will be made on his application when the requested information has been provided.

246. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the correct level of rent support payable in the case of a person (details supplied) in County Kildare in respect of two adults and two children; and if she will make a statement on the matter. [11248/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive has advised that the rent supplement payment of €652 per month is correct and appropriate to the circumstances of the person concerned.

### Social Welfare Appeals

247. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if and when rent support will issue in the case of a person (details supplied) in County Dublin; and if she will make a statement on the matter. [11249/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that the persons concerned were refused a rent supplement on the grounds that they did not satisfy the scheme's habitual residence condition. The HSE has further advised that this decision was appealed to its designated Appeals Officer who will decide on the matter in due course.

### Social Welfare Benefits

248. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reason rent support has been discontinued for the past five months in the case of a person (details supplied) in County Dublin; and if she will make a statement on the matter. [11250/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that it has terminated payment of rent supplement in this case as the person concerned failed to provide the financial and foreign travel documentation requested by the community welfare officer.

### Social Welfare Appeals

249. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if partial rent allowance is payable in the case of a person (details supplied) in County Meath; and if she will make a statement on the matter. [11251/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that the person concerned was refused a rent supplement on the grounds that her spouse is engaged in full-time employment. The HSE has further advised that the HSE's designated Appeals Officer has upheld the decision of the Community Welfare Officer to refuse payment in this case.

250. **Deputy Bernard J. Durkan** asked the Minister for Social Protection if rent support will be restored in the case of a person (details supplied) in Dublin 8; and if she will make a statement on the matter. [11252/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised the person concerned was refused rent supplement as she vacated accommodation provided by a local authority without just cause for doing so. The HSE further advised that the person concerned has appealed the decision to refuse rent supplement to the HSE Appeals Office. The HSE Appeals Office will contact the person concerned directly when a decision has been made on her appeal.

### Social Welfare Benefits

251. **Deputy Bernard J. Durkan** asked the Minister for Social Protection when rent support will issue in the case of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [11253/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that the person concerned was refused a rent supplement on the grounds that his rent was in excess of the prescribed rent limit for a single person. The person concerned also failed to provide the HSE with supporting documentation in relation to his household composition.

252. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the grounds for refusal of jobseeker's allowance in the case of a person (details supplied) in County Kildare in view of the fact that they supplied all information requested; and if she will make a statement on the matter. [11254/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned applied for jobseeker's allowance on 18 January 2011. A decision has not yet been made on her application as some details requested by the deciding officer are still outstanding.

### Social Welfare Code

253. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the reason exceptional or compelling means payment was refused in the case of a person (details supplied) in County Kildare in view of the fact that failure to make such provision has now resulted in arrears of payment in respect of household bills and may eventually lead to an unsustainable situation; if she will expedite examination of the situation; and if she will make a statement on the matter. [11255/11]

**Minister for Social Protection (Deputy Joan Burton):** Under the supplementary welfare allowance scheme an exceptional needs payment (ENP) can be made by the Health Service Executive (HSE) to help meet an essential, once-off cost which the applicant is unable to meet out of his/her own resources. There is no automatic entitlement to this payment. Each application is determined by the HSE based on the particular circumstances of the case.

The HSE has advised that an application for an exceptional needs payment was made in April 2011 by the person concerned and that this was refused.

The person concerned was advised by the community welfare officer of the services of the Money Advice and Budgeting Service (MABS). This is a free and confidential service for people with debt problems and money management problems. MABS offices are staffed by trained Money Advisers, who can:

- Help individuals deal with debts and make out a budget plan;
- Examine an individual's income to make sure they are not missing out on any of their entitlements;
- Contact creditors on their behalf with offers of payment if they are not able to do it themselves;
- Help individuals decide on the best way to make the payments.

### FÁS Training Programmes

254. **Deputy Frank Feighan** asked the Minister for Social Protection the number of FÁS schemes in operation in County Roscommon and the total number employed on same. [11287/11]

**Minister for Social Protection (Deputy Joan Burton):** There are 19 FÁS Community Employment schemes currently in operation in County Roscommon, employing 344 participants and 24 supervisors.

### Departmental Agencies

255. **Deputy Dominic Hannigan** asked the Minister for Social Protection the number of State agencies or organisations under her remit which are paid up members of the Irish Business and Employers Confederation; the name of each agency or organisation; the amount each State agency or organisation paid to the Irish Business and Employers Confederation for the years 2007, 2008, 2009, 2010 and to date in 2011; and if she will make a statement on the matter. [11327/11]

**Minister for Social Protection (Deputy Joan Burton):** My Department is not a member of the Irish Business and Employers Confederation (IBEC) and only one of the Department's Agencies is an IBEC member.

Details of payments made by that Agency are set out in the table.

| State Board/Agency         | Amount paid 2007 | Amount paid 2008 | Amount paid 2009 | Amount paid 2010 | Amount paid to date in 2011 |
|----------------------------|------------------|------------------|------------------|------------------|-----------------------------|
| Citizens Information Board | €9,643.50        | €14,862.00       | €10,812.00       | €19,442.32       | €16,084.28                  |

### Social Welfare Code

256. **Deputy Éamon Ó Cuív** asked the Minister for Social Protection when the regulations for the implementation of the partial capacity scheme will be published; when the scheme will be operable and if those working in the private sector who at present have an exemption under the current invalidity pension scheme will be granted an extension automatically to the term of the exemption until the partial capacity scheme is implemented; and if she will make a statement on the matter. [11346/11]

**Minister for Social Protection (Deputy Joan Burton):** The legislative basis which provides for the introduction of the Partial Capacity scheme is contained in the Social Welfare (Miscellaneous Provisions) Act, 2010, which was enacted by the Oireachtas in December 2010.



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A programme of work is currently underway to cater for the new scheme. This includes the preparation of Regulations, as required by legislation, to cover, amongst other things, the medical protocols which will determine eligibility for the scheme as well as the rates of payment which will apply to those who apply to participate in the scheme; the development of the necessary medical criteria against which partial employment capacity will be assessed; and the development of the necessary processes and information technology systems to process, record and pay applicants.

Every effort is being made to complete these necessary steps as soon as possible in order to allow for the formal introduction of the scheme at the earliest possible date. At this stage, the intention is that the Regulations will be introduced in the Autumn of this year and that the scheme will be formally introduced before the end of the year. In the interim, persons in receipt of an exemption to undertake employment in the private sector under the current invalidity pension scheme will have the period of that exemption extended automatically.

### **Social Welfare Appeals**

257. **Deputy Brendan Ryan** asked the Minister for Social Protection if a full review of the disallowance of domiciliary care allowance will be undertaken in respect of a person (details supplied) in County Dublin; and if she will make a statement on the matter. [11363/11]

**Minister for Social Protection (Deputy Joan Burton):** An application for domiciliary care allowance was received for the person in question on the 4th May 2010. This application was referred to one of the Department's Medical Assessors who found that the child was not medically eligible for the allowance. A letter issued on 10th June 2010 refusing DCA, the person concerned subsequently lodged an appeal against the decision. He was informed by the Social Welfare Appeals Office on 18th November 2010 that the appeal had been disallowed. He then requested, in the light of new information he provided, that the Appeals Officer review the decision. The Appeals Officer did not consider that the new information contained any facts that would cause him to change his decision. The person in question was notified of this in writing on the 2nd March 2011. The decision/appeal process for this application is now complete. If the person concerned has additional information which was not made available to the deciding officer and appeals officer when they made their decision, it is open to him to re-apply.

### **Social Welfare Benefits**

258. **Deputy Jack Wall** asked the Minister for Social Protection the position regarding a rent supplement application in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [11368/11]

**Minister for Social Protection (Deputy Joan Burton):** The Health Service Executive (HSE) has advised that the person concerned was refused a rent supplement on the grounds that his rent was in excess of the prescribed rent limit for a single person. The person concerned also failed to provide the HSE with supporting documentation in relation to his household composition.

### **Social Welfare Appeals**

259. **Deputy Michael Healy-Rae** asked the Minister for Social Protection the position regarding an appeal against the decision to disallow a claim for supplementary welfare allowance in

respect of a person (details supplied) in County Kerry; and if she will make a statement on the matter. [11385/11]

**Minister for Social Protection (Deputy Joan Burton):** Under the supplementary welfare allowance scheme an exceptional needs payment (ENP) may be made by the Health Service Executive (HSE) to help meet an essential, once-off cost which the applicant is unable to meet out of his/her own resources. There is no automatic entitlement to this payment. Each application is determined by the HSE based on the particular circumstances of the case. Eligible people would normally be in receipt of a social welfare or HSE payment.

The HSE has advised that the application for assistance from the person concerned in April 2011 was refused as the need was not established.

The HSE has advised that the Appeals Office in the HSE has upheld the decision of the Community Welfare Officer to refuse an ENP to the person concerned. The person concerned has asked for his case to be reviewed by the Ombudsman's office. The HSE are currently in preparing a file with the relevant papers which will be forwarded to the Ombudsman for consideration.

### Social Welfare Benefits

260. **Deputy Patrick O'Donovan** asked the Minister for Social Protection if she has investigated further the case of a person (details supplied) in County Limerick; and if she will make a statement on the matter. [11398/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned applied for a Lone Parent's Allowance (now One-Parent-Family Payment) as a widowed person in October 1992. The Lone Parent Allowance (One Parent Family Payment) is a means tested payment. Neither she nor her late spouse had sufficient social insurance contributions paid to satisfy the qualifying conditions for a Widows Contributory Pension. She was awarded maximum rate Lone Parent's Allowance with effect from 27/11/1992.

In her application form for the Lone Parent's Allowance, the person concerned signed an undertaking to notify the Department of any changes to her circumstances which may affect her payment. In 1994, 1997 and 1998 she did advise the Department of changes of circumstances with regard to earnings from employment and her entitlement was reviewed accordingly.

In August 2010, it came to the Department's attention that she had, for a period of some years from 2005, increased earnings from employment in excess of the means limits for One-Parent-Family Payment, which had not been notified. A Deciding Officer determined that an overpayment had arisen for the person concerned from 7th January 2005 to 16th September 2010 totalling €68,586.70, and this was communicated to her on 8th December 2010. A letter also issued in relation to the overpayment, and the range of repayment options available.

The Department is willing to discuss an appropriate method and rate of repayment with the person concerned, with due regard to her financial circumstances.

### Social Welfare Appeals

261. **Deputy Seán Ó Fearghaíl** asked the Minister for Social Protection when an appeal on an application for carer's allowance will take place in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [11411/11]

**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 30

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December 2010. It is a statutory requirement of the appeals process that the relevant Departmental papers and comments by or on behalf of the Deciding Officer on the grounds of appeal be sought. These papers were received in the Social Welfare Appeals Office on 21 March 2011 and the appeal will be referred to an Appeals Officer, in due course, who will decide whether the case can be decided on a summary basis or whether to list it for oral hearing.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 262 withdrawn.*

### **Social Welfare Fraud**

263. **Deputy Patrick O'Donovan** asked the Minister for Social Protection the number of social welfare inspectors dealing solely with social welfare fraud specifically. [11442/11]

**Minister for Social Protection (Deputy Joan Burton):** The Department currently employs 406 Social Welfare Inspectors, 319 of whom are assigned to general inspection work and 87 of whom are assigned to the Department's Special Investigation Unit (SIU).

The role of the 319 general Inspectors includes the investigation of entitlement to the Department's means-tested schemes (except supplementary welfare allowance); responsibility for ensuring that employers comply with the legislation governing PRSI contributions; and for investigating insurability of employment cases. In addition to these duties, the remit includes the combating of fraud and abuse of the Department's schemes.

The Department 87 Inspectors in the SIU work full-time to combat fraud and abuse on Departmental schemes. They also undertake employer inspections to ensure compliance with PRSI obligations. In 1986, a Joint Inspection Unit (JIU) was established, drawn from inspectors in SIU and the Office of the Revenue Commissioners. This co-ordinated approach, combining the powers of both agencies, monitors compliance with both the PRSI and taxation systems.

The role of the inspector involves calling to private homes to establish whether a customer who is making an initial claim has an entitlement to payment or whether an existing customer continues to satisfy eligibility conditions. They also call to places of employment to ensure that there is no abuse of the Department's schemes and that the employer is fulfilling his obligations under social welfare legislation.

All staff working in the area of scheme administration have a role to play in combating fraud by ensuring that only genuine claims are put into payment and that customers continue to fulfil the statutory conditions of the scheme involved.

### **Social Welfare Appeals**

264. **Deputy Billy Timmins** asked the Minister for Social Protection the position regarding an application for a domiciliary care allowance in respect of a person (details supplied) in County Wicklow; and if she will make a statement on the matter. [11445/11]

**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.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 when the intake rose

to 32,432. This has significantly impacted on the processing time for appeals which require oral hearings and, in order to be fair to all appellants, they are dealt with in strict chronological order. In the context of dealing with the considerable number of appeals now on hand, the Department has made a further 9 additional appointments to the office in recent weeks.

While every effort is being made to deal with the large numbers awaiting oral hearing as quickly as possible, it is not possible to give a date when the person's oral hearing will be heard, but she will be informed when arrangements have been made.

The Social Welfare Appeals Office functions independently of the Minister for Social Protection and of the Department and is responsible for determining appeals against decisions on social welfare entitlements.

*Question No. 265 answered with Question No. 241.*

266. **Deputy Joe Costello** asked the Minister for Social Protection if she will expedite a domiciliary care allowance appeal in respect of a person (details supplied) in Dublin 7; the reason there is such a delay in deciding such appeals; and if she will make a statement on the matter. [11461/11]

**Minister for Social Protection (Deputy Joan Burton):** I am advised by the Social Welfare Appeals Office that an Appeals Officer, having fully considered all the evidence, disallowed the appeal of the person concerned by way of summary decision. The person concerned has been notified of the decision.

Under Social Welfare legislation, the decision of the Appeals Officer is final and conclusive and may only be reviewed by the Appeals Officer in the light of new evidence or new facts. If there is any new evidence or new facts pertinent to this case that was not brought to the attention of the Appeals Officer during the determination of this appeal, they may be submitted to the Social Welfare Appeals Office for further consideration.

The legislation also provides that an Appeals Officer may decide a case before him/her on the basis of the documentary evidence. This course of action was taken in this case as it was considered that an oral hearing was not warranted.

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.

I am advised by the Social Welfare Appeals Office that the average waiting time for a domiciliary care allowance appeal dealt with by way of a summary decision in 2010 was 26.8 weeks, while the average time to process an oral hearing was 49.1 weeks. These processing times are calculated from the registration date of the appeal to the date of its finalisation. These include all activities during this period including time spent in the Department for comments by the deciding officer on the grounds of appeal put forward by the appellant and any further investigation, examination or assessment by the Department's inspectors and medical assessors, that is deemed necessary. As can be seen from the figures, a considerable period of time is added to the process when an oral hearing is required because of the logistics involved in this process. In order to be fair to all appellants, these appeals are dealt with in strict chronological order.

There has been a very significant increase in the number of appeals received by the Social Welfare Appeals Office since 2007 when the intake was 14,070 to 2010 when the intake rose to 32,432.

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In the context of dealing with the considerable number of appeals now on hands, the Department has made a further 9 additional appointments to the office in recent weeks.

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.

267. **Deputy Marcella Corcoran Kennedy** asked the Minister for Social Protection the outcome of an appeal decision in respect of a person (details supplied) in County Offaly; and if she will make a statement on the matter. [11466/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that the disability allowance claim of the person concerned was disallowed following an assessment by a Medical Assessor who expressed the opinion that she was medically unsuitable for the allowance. An appeal was registered on 15th March 2011 and in accordance with the statutory procedures the relevant department papers and the comments of the Social Welfare services on the matter raised in the appeal have been sought. In that context, an assessment by another Medical Assessor will be carried out.

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 Code

268. **Deputy Finian McGrath** asked the Minister for Social Protection if there is any scheme or funding in place to relocate families in the event of the flooding of their family homes and in particular family homes where there is a very high likelihood of reoccurrence of flooding; and if she will make a statement on the matter. [11467/11]

**Minister for Social Protection (Deputy Joan Burton):** In recognition of the devastation suffered by people in many areas of the country as a result of the flooding from November 2009 onwards the Government set up a humanitarian assistance scheme to provide income tested financial support to people who have suffered damage to their homes not covered by insurance. The scheme had two objectives. First, it provided financial and other assistance, without an income test, in the immediate aftermath of the flooding. Secondly, it provided income tested financial support for the replacement of essential household items and home repairs in cases not covered by insurance.

The Community Welfare Service of the Health Service Executive (HSE) provided support to households under the humanitarian assistance scheme with payments being made to over 1,300 individuals to the value of almost €1.7m throughout the country. The bulk of the overall cost of repairing the damage caused to individuals' homes by the flooding was met through insurance policies held by the people affected.

Most of the payments made under the humanitarian assistance scheme were in respect of immediate needs such as clothing, food, bedding and emergency accommodation needs. These emergency payments were made without delay and without regard to the household income as the primary objective were to address the person's immediate needs.

The level of payment available under the aid scheme to any qualified individual depended on the severity of the damage to that person's home and the extent of the loss experienced as

well as household income and general family circumstances. The scheme provided hardship alleviation as opposed to full compensation. As on previous occasions, commercial or business losses were not covered by the scheme nor were losses which were covered by household insurance.

The Government is aware that for various reasons, a small number of people have been unable to resume living at their home and others, while they have resumed living at their home, are still faced with significant problems arising from the flooding. The Government is also aware that some householders who are continuing to experience significant housing problems as a result of the November 2009 flooding are considering the possibility of relocating rather than resuming living at their original home.

In light of this, the Government has decided that support may be available in such cases where:

1. Serious and permanent damage has been caused to the family home by the November 2009 flooding;
2. There is a high probability of a recurrence of serious flooding because of flood depth, duration or frequency on a scale that could further damage the family home;
3. The house cannot be protected from flooding at an economically feasible cost;
4. The household is unable to secure insurance against flooding as a result of the November 2009 floods.

Support will only be considered for relocation in cases where the cost of remedial works would exceed the cost of relocation, as determined by the Office of Public Works (OPW).

The following considerations will also apply:

1. The gross cost of relocation underpinning the level of support provided will not exceed the cost of providing a reasonable home in the area in question, as determined by the local authority;
2. The existing house must be demolished and the site must be rehabilitated, which may require planning permission from the local authority;
3. If the household has settled a claim with their insurance company, the funds provided in settlement of that claim will be taken into account in determining the amount of funding, if any, provided for relocation. Beneficiaries will be required to instruct their insurance company to provide information in that regard;

Officials from the Department have visited the homes in question and are now in discussions with the Office of Public Works to establish what remedial works, if any, can be carried out to protect these houses from future flooding.

### **Unemployment Levels**

269. **Deputy Thomas P. Broughan** asked the Minister for Social Protection the number of persons registered as unemployed at the Coolock and Kilbarrack social welfare offices in 2007, 2008, 2009 2010 and to date in 2011; and if she will make a statement on the matter. [11489/11]

**Minister for Social Protection (Deputy Joan Burton):** According to the records of the Department, the following table gives the numbers of persons registered as unemployed at

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Coolock and Kilbarrack local offices from 2007 to date in 2011. The figures are from end December in each year from 2007 to 2010 and up to 6 May 2011.

| Year | Coolock | Kilbarrack |
|------|---------|------------|
| 2007 | 2,288   | 2,148      |
| 2008 | 3,584   | 3,533      |
| 2009 | 5,150   | 5,237      |
| 2010 | 5,015   | 5,360      |
| 2011 | 4,937   | 5,340      |

*Question No. 270 withdrawn.*

### Social Welfare Benefits

271. **Deputy Bernard J. Durkan** asked the Minister for Social Protection the position regarding an application for one parent family allowance in respect of a person (details supplied) in County Kildare; and if she will make a statement on the matter. [11545/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned applied for one-parent family payment from 30th September 2010. Her claim was disallowed on the grounds that she is not considered to be habitually resident in the state. No appeal was lodged.

### Departmental Expenditure

272. **Deputy John McGuinness** asked the Minister for Social Protection if she will confirm the number of credit cards issued by her and to whom; the criteria for issuing such cards; the credit card company used; if a competitive process was used to select the company; if the facility has had to be withdrawn from any person; and if she will make a statement on the matter. [11560/11]

**Minister for Social Protection (Deputy Joan Burton):** There are currently six credit cards in use by officers of the Department and one by the Pensions Ombudsman who operates under aegis of the Department and for whom the Department makes payments in respect of administration costs. Details of the cardholders are set out in the following table.

| Grade               | Section                         | Company          |
|---------------------|---------------------------------|------------------|
| Assistant Principal | Information Unit                | American Express |
| Pension Ombudsman   | Office of the Pension Ombudsman | American Express |
| Assistant Principal | EU International                | American Express |
| Assistant Principal | Staff Development Unit          | Bank of Ireland  |
| Private Secretary   | Minister's Office               | Bank of Ireland  |
| Assistant Principal | Central IT Services             | Bank of Ireland  |
| Assistant Principal | Appeals Office                  | Bank of Ireland  |

The number of cards issued is very strictly limited to instances where a strong business case for their use is made to the Accountant of the Department. Credit Cards are used for official purposes only and are generally used for room hire, purchase of equipment, software, air-fares, fees and official entertainment. Credit card holders are made aware of procedures for the use

of the card and sign a form of undertaking to abide by the conditions of use for credit cards as set down by the Department.

There was no competitive process used in selecting the companies the Department uses for the issue of credit cards.

The facility has never had to be withdrawn from any person apart from when officials are moving from their role in the business area that requires use of a credit card.

### **Community Employment Schemes**

273. **Deputy Billy Timmins** asked the Minister for Social Protection the position regarding the rate of pay on a community employment scheme in respect of a person (details supplied) in County Wicklow; if this will be rectified; and if she will make a statement on the matter. [11601/11]

**Minister for Social Protection (Deputy Joan Burton):** As Minister for Social Protection, I do not have a role in the administration of individual cases in regard to the operation of the Community Employment programme. The administration of individual cases under Community Employment is a day-to-day matter for FÁS as part of its responsibility under the Labour Services Act 1987, as amended by Part 3 of the Social Welfare (Miscellaneous Provisions) Act 2010. The person in question was in receipt of jobseeker's allowance of €73.90 per week prior to commencing Community Employment, which indicates that he/she had means assessed against his/her maximum family entitlement to jobseeker's allowance (including provision of his/her spouse and two children). In circumstances where the actual weekly payment drops below the standard €188 social welfare payment, as in this case, the person is placed on the minimum FÁS-funded allowance grant to the community employment employer for the participant which is equivalent to the single adult rate of €208 per week. By participating on community employment, the person is €134.10 per week better off.

*Question No. 274 answered with Question No. 234.*

### **Public Procurement Contracts**

275. **Deputy Noel Grealish** asked the Minister for Social Protection the number of public contracts awarded to European companies and the number awarded to indigenous companies over the past five years; the monetary value of the projects awarded to European companies as opposed to indigenous companies for the past five years; and if she will make a statement on the matter. [11613/11]

**Minister for Social Protection (Deputy Joan Burton):** The information requested by the Deputy is currently being compiled within my Department and will be made available to the Deputy as soon as possible. Procurement by my department is undertaken based on the requirement to achieve value for money and bearing in mind our obligations under EU and national legislation, particularly concerned with transparency and non-discrimination: this does not permit us to distinguish between vendors based in Ireland or elsewhere in the EU. Nevertheless, my department is committed to ensuring that in procuring goods and services, our procedures do not impose barriers which could disadvantage small and medium size enterprises (SMEs) in competing for contracts, while at the same time having regard to our legal obligations. In this respect we take into account the guidance set out in Finance Circular 10/10: Facilitating SME Participation in Public Procurement (13 August 2010) and Guidance for Public Contracting Authorities: Facilitating Participation of SMEs in Public Procurement. My Department has a long history of working closely with both large and small Irish based suppliers



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and service providers in meeting our requirements for goods and services. The Department is particularly conscious of the need for engagement with SMEs, particularly those involved in innovation. In this respect a senior official has been designated with responsibility for this area and is working closely with Enterprise Ireland to identify suitable opportunities.

### **Social Welfare Fraud**

276. **Deputy Noel Grealish** asked the Minister for Social Protection her plans to proceed with mandatory direct payment of rent supplement to tax compliant landlords in the interest of efficiency and combating fraud; if she will agree to meet with national representatives of buy-to-let investors to discuss the issue; and if she will make a statement on the matter. [11616/11]

**Minister for Social Protection (Deputy Joan Burton):** The purpose of rent supplement is to provide short-term support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. The scheme is intended as a temporary income support payment and is not designed to be a medium to long term housing support or a permanent solution to a person's housing needs. Current legislation already provides for the making of a rent supplement payment to another person (e.g. a relative, a landlord or landlord's agent) on behalf of the recipient, at the tenant's request and is subject to the consent of the Community Welfare Service.

Approximately 20% of rent supplement payments are currently paid to a person other than the tenant. Under the legislative provisions governing rent supplement, the Department's relationship is with the tenant; the tenant makes the application for rent supplement and payment is made to the tenant. Rent supplement is specifically for the benefit of tenants to assist them with their accommodation needs.

Under the current arrangements, even with direct payment, landlords still have to collect the tenant contribution towards their rent (a minimum of €104 per month). The amount of rent supplement payable depends on the tenant's income; in some cases tenants pay only the minimum contribution while for others the tenant makes an additional contribution to their rent based on their financial circumstances. For example, where a person is in part-time income and receives just 10% of his or her rent directly from the State, the landlord would receive the 10% directly whilst still having to collect the 90% from the tenant. The efficiency of the scheme would be significantly affected if this arrangement were to be changed; for example, community welfare officers would potentially have to create a formal relationship with some 97,000 additional clients, the landlords. This would involve greater complexity and significant resources to deal with a new set of third parties. In particular, it would also result in community welfare officers being drawn into disputes between landlords and tenants.

There may also be financial and control implications in cases where a tenant moves address and neither the landlord nor tenant informs the Department. Similarly, where a tenant is no longer eligible for rent supplement and the Department ceases paying the landlord, the Department may find itself involved in eviction proceedings. The current arrangements provide tenants with flexibility in terms of location, the freedom to move to a different location whilst allowing recipients time to seek alternative long-term housing solutions provided by their local authority. The tailoring of additional payments, such as rent supplement, to meet the specific needs of individuals and making the payment direct to the tenant is regarded as an effective way of helping individuals realise their potential and take individual responsibility. To remove the right of the tenant to receive this payment by making it payable only to the landlord would require legislative amendment and I have no plans at present to make this change.

### National Partnership Agreement

277. **Deputy Noel Grealish** asked the Minister for Social Protection if she will continue the practice of quarterly round table discussions with the voluntary pillar of the national partnership agreement; and if she will make a statement on the matter. [11617/11]

**Minister for Social Protection (Deputy Joan Burton):** The Government acknowledges the vital role of the community and voluntary sector working in partnership with local communities, State agencies and local authorities. The Government is committed to tackling Ireland's economic crisis in a way that is fair, balanced and which recognises the need for social solidarity and it values dialogue with the representatives of the voluntary and community sector in that regard. This dialogue continues to take place in different ways and through different fora across Government Departments and agencies, for example at the National Economic and Social Council. The question of whether and how this dialogue with the social partners could be enhanced has not yet been decided but in the meantime, I have met members of the community and voluntary sector since becoming Minister and will continue to do so as policy and administrative issues of interest to the sector come up for consideration.

### Pension Provisions

278. **Deputy Noel Grealish** asked the Minister for Social Protection the position regarding the national pensions framework; if she will agree to meet, at an early stage, national delegations who have a representative role; and if she will make a statement on the matter. [11618/11]

**Minister for Social Protection (Deputy Joan Burton):** Following the publication of the National Pensions Framework in March 2010, a technical implementation group was established to develop the legislative, regulatory and administrative infrastructure required to put the reforms announced in the framework into operation. The group is chaired by the Department of Social Protection and includes representatives from other key Departments and agencies. A number of subgroups have also been established and have advanced particular elements of the framework. Consultation is a key element of the implementation process. My predecessor hosted a consultation forum last year. Since then, my officials have been involved in a number of other consultation meetings with representative groups. Work in relation to the development of a new model of defined benefit pension provision is well advanced. A consultation paper outlining possible options has been circulated to a number of stakeholder organisations. I intend to meet those groups in the coming weeks to discuss their responses to that document. The implementation phase is expected to take three to five years. There will of course be further opportunities for consultation as the process advances.

*Question No. 279 withdrawn.*

### Social Welfare Appeals

280. **Deputy Jim Daly** asked the Minister for Social Protection when a decision will be reached in relation to an application lodged for appeal in January 2009; the reason the applicant was refused supplementary welfare allowance in the interim period; and if she will make a statement on the matter. [11640/11]

**Minister for Social Protection (Deputy Joan Burton):** The Social Welfare Appeals Office has advised me that a jobseeker's allowance appeal from the person concerned was referred to an Appeals Officer who proposes to hold an oral hearing in this case. There was a significant increase in the number of appeals received by the Social Welfare Appeals Office between 2007,

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when the intake was 14,070, and 2010, when the intake rose to 32,432. This has had a significant impact on the processing time for appeals which require oral hearings. In order to be fair to all appellants, they are dealt with in strict chronological order. In the context of dealing with the considerable number of appeals now on hands, the Department has made a further nine additional appointments to the office in recent weeks. While every effort is being made to deal with the large numbers awaiting oral hearing as quickly as possible, it is not possible to give a date for when the person's oral hearing will be heard, but s/he will be informed when arrangements have been made.

The supplementary welfare allowance scheme (SWA) is administered on behalf of the Department by the community welfare division of the Health Service Executive. Apart from a number of excluded categories, anyone in the State who satisfies a habitual residency condition and a means test, and has registered for employment, may qualify for a weekly payment of SWA unless they have a physical or mental disability and can prove unemployment. People in a number of categories are specifically excluded from receiving SWA, including people in full-time work, people in full-time education and people involved in trade disputes. A person is considered to be in full-time education if he/she is attending a course of study as specified under section 148 of the Social Welfare (Consolidation) Act 2005. At the time that the person concerned applied for SWA in 2009, he was in full-time employment and his application was refused. The person concerned is now an adult dependant on his wife's current SWA claim, pending a determination of her application for Jobseeker's Allowance.

### Departmental Staff

281. **Deputy Seán Kenny** asked the Minister for Social Protection the number of persons employed in the social welfare offices in Kilbarrack and Coolock in Dublin 5 by grade; the number of vacancies in each office by grade and if additional staff are likely to be posted to these offices; and if she will make a statement on the matter. [11744/11]

**Minister for Social Protection (Deputy Joan Burton):** Details of the number of staff, and full-time equivalent posts, in the social welfare offices in Kilbarrack and Coolock are shown in the table below. There are no unfilled posts in either office at this time.

| Grade                    | No. of Staff in Kilbarrack | No. of Posts in Kilbarrack | No. of Staff in Coolock | No. of Posts in Coolock |
|--------------------------|----------------------------|----------------------------|-------------------------|-------------------------|
| Higher Executive Officer | 1                          | 1                          | 1                       | 1                       |
| Executive Officer        | 5                          | 5                          | 4                       | 4                       |
| Staff Officer            | 7                          | 6.8                        | 8                       | 7.8                     |
| Clerical Officer         | 14                         | 12.95                      | 20                      | 17.3                    |
| Services Officer         | 1                          | 1                          | 1                       | 1                       |
| Total No. of Staff       | 28                         | 26.75                      | 34                      | 31.1                    |

The staffing needs in my Department are kept under constant review to ensure best use is made of all available resources to meet the business needs. There are no plans to assign additional staff to either of the offices in question.

### Social Welfare Benefits

282. **Deputy Finian McGrath** asked the Minister for Social Protection the position regarding rent allowance in respect of a person (details supplied) in Dublin 5. [11775/11]

**Minister for Social Protection (Deputy Joan Burton):** The person concerned has been awarded a weekly supplementary welfare allowance of €137.60 pending a decision on his claim for illness benefit. The Health Service Executive has advised that the person concerned is in receipt of a rent supplement payment of €787.33 per month. It has further advised that it is reviewing the rent supplement entitlement in this case and will advise the person concerned of its decision in due course.

283. **Deputy John O'Mahony** asked the Minister for Social Protection the number of applications made for domiciliary care allowance in 2008, 2009 and 2010 in tabular form; and if she will make a statement on the matter. [11779/11]

284. **Deputy John O'Mahony** asked the Minister for Social Protection the number of applications which were granted for domiciliary care allowance in 2008, 2009 and 2010 in tabular form; and if she will make a statement on the matter. [11780/11]

285. **Deputy John O'Mahony** asked the Minister for Social Protection the numbers of appeals lodged for domiciliary care allowance in 2008, 2009 and 2010 in tabular form; the number of these appeals that were successful; and if she will make a statement on the matter. [11781/11]

**Minister for Social Protection (Deputy Joan Burton):** I propose to take Questions Nos. 283, 284 and 285 together.

The Department has been accepting new claims for domiciliary care allowance since 1 April 2009. Statistics relating to the period prior to April 2009 are not held by this Department and are a matter for the HSE, as the previous administrator of the scheme. The following table sets out the number of domiciliary care allowance applications received:

|                       | Applications received | Applications fully processed | Applications allowed * | Applications refused |
|-----------------------|-----------------------|------------------------------|------------------------|----------------------|
| 2009 (From 1st April) | 3,389                 | 2,823                        | 1,220                  | 1,603                |
| 2010                  | 5,457                 | 5,333                        | 2,576                  | 2,757                |

\*Includes cases initially disallowed but allowed on review following receipt of additional information.

This table sets out the number of domiciliary care allowance appeals received and processed:

|      | Appeals registered | Appeals withdrawn as allowed on review | Appeals allowed | Appeals disallowed | Appeals outstanding |
|------|--------------------|--|-----------------|--------------------|---------------------|
| 2009 | 836                | 189                                    | 268             | 340                | 39                  |
| 2010 | 1,858              | 518                                    | 179             | 462                | 699                 |

### Social Welfare Appeals

286. **Deputy John O'Mahony** asked the Minister for Social Protection the number of appeals lodged for disability allowance in 2008, 2009 and 2010 in tabular form; the number of these appeals that were successful; and if she will make a statement on the matter. [11787/11]

**Minister for Social Protection (Deputy Joan Burton):** Figures regarding the numbers of disability allowance appeals which received a favourable decision in 2008, 2009 and 2010 are given in the table that follows this reply. Overall, the number of appeals determined by appeals officers which had a favourable outcome for appellants — either allowed or partially allowed

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— were 3,288 (35%) of 9,423 determined in 2008, 3,695 (37%) of 10,027 determined in 2009 and 4,747 (27%) of 17,499 determined in 2010. 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.

Disability Allowance Appeals

|      | Appeals Received | Revised Decisions by Deciding Officers | Appeals Decided by Appeals Officers | Appeals Allowed or Partially Allowed by Appeals Officers |
|------|------------------|--|-------------------------------------|--|
| 2008 | 3,522            | 1,103                                  | 1,429                               | 685  |
| 2009 | 4,696            | 995                                    | 1,546                               | 762  |
| 2010 | 4,840            | 972                                    | 2,535                               | 979  |

287. **Deputy John O'Mahony** asked the Minister for Social Protection the numbers of appeals lodged in 2008, 2009 and 2010 and a breakdown of each category in tabular form; the number of these appeals that were successful; and if she will make a statement on the matter. [11788/11]

**Minister for Social Protection (Deputy Joan Burton):** Figures in regard to the numbers of cases received by category for 2008, 2009 and 2010 are given in the tables that follow this reply. Overall, the number of appeals determined by appeals officer which had a favourable outcome for appellants (i.e. either allowed or partially allowed) were 3,288 (35%) of 9,423 determined in 2008, 3,695 (37%) of 10,027 determined in 2009 and 4,747 (27%) of 17,499 determined in 2010. These outcomes do not necessarily relate to the appeals received in these years. 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.

|                              | Appeals Received by Scheme 2008 | Appeals Received by Scheme 2009 | Appeals Received by Scheme 2010 |
|------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Adoptive Benefit             | 1                               | 2                               | 2                               |
| Blind Pension                | 9                               | 22                              | 13                              |
| Carers Allowance             | 1,043                           | 1,966                           | 2,969                           |
| Carers Benefit               | 58                              | 121                             | 180                             |
| Child Benefit                | 682                             | 1,350                           | 1,050                           |
| Disability Allowance         | 3,410                           | 4,560                           | 4,568                           |
| Illness Benefit              | 3,560                           | 4,897                           | 5,313                           |
| Domiciliary Care Allowance   | —                               | 836                             | 1,827                           |
| Deserted Wives Benefit       | 13                              | 5                               | 14                              |
| Farm Assist                  | 59                              | 132                             | 244                             |
| Bereavement Grant            | 40                              | 45                              | 59                              |
| Family Income Supplement     | 135                             | 166                             | 224                             |
| Invalidity Pension           | 517                             | 633                             | 998                             |
| Liabile Relatives            | 19                              | 2                               | 16                              |
| One Parent Family Payment    | 742                             | 795                             | 1,085                           |
| Maternity Benefit            | 15                              | 11                              | 29                              |
| State Pension (Contributory) | 84                              | 87                              | 258                             |
| State Pension (Non-Cont)     | 272                             | 320                             | 353                             |
| State Pension (Transition)   | 16                              | 22                              | 7                               |

|                                 | Appeals Received by Scheme 2008 | Appeals Received by Scheme 2009 | Appeals Received by Scheme 2010 |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Occupational Injury Benefit     | 29                              | 37                              | 22                              |
| Occupational Injury Ben (Med)   | 39                              | 41                              | 22                              |
| Disablement Pension             | 288                             | 261                             | 343                             |
| Incapacity Supplement           | 8                               | 8                               | 15                              |
| Guardian's Payment (Con)        | 25                              | 22                              | 26                              |
| Guardian's Payment (NonCon)     | 2                               | 12                              | 7                               |
| Pre-Retirement Allowance        | 9                               | 2                               | 2                               |
| Jobseeker's Allow (Means)       | 1,877                           | 3,566                           | 4,000                           |
| Jobseeker's Allowance           | 2,347                           | 3,159                           | 5,488                           |
| Jobseeker's Benefit             | 1,339                           | 1,337                           | 1,292                           |
| Respite Care Grant              | 311                             | 258                             | 162                             |
| Insurability of Employment      | 87                              | 103                             | 121                             |
| Supplementary Welfare Allowance | 425                             | 769                             | 989                             |
| Treatment Benefits              | 18                              | 10                              | 8                               |
| Widow's Pension (Con)           | 20                              | 16                              | 20                              |
| Widow's Pension (NonCon)        | 14                              | 19                              | 12                              |
| Widows Parent Grant             | —                               | 1                               | 3                               |

### Social Welfare Code

288. **Deputy Michael McCarthy** asked the Minister for Social Protection in respect of County Cork, the average time it takes a social welfare inspector to assess a person's claim following the initial submission of all relevant documentation to the local office; the subsequent amount of time it takes to process the particular claim following the inspection; and if she will make a statement on the matter. [11810/11]

**Minister for Social Protection (Deputy Joan Burton):** I understand the Deputy's question relates specifically to jobseekers schemes. In determining entitlement for jobseeker's allowance, a customer must satisfy a means test. The time taken to process individual claims varies significantly having regard to the circumstances in each case. Straightforward means-tested cases are "fast-tracked" by deciding officers in local offices. More complex cases are forwarded to inspectors who establish the details of the case by interviewing the customer in a local office or, if it is considered necessary, by undertaking a home visit. Factors outside my Department's control can impinge on the time taken to make a decision in any case. These factors include the supply of relevant information by the customer, employers, other EU countries or other third parties. Claim processing performance is monitored on an ongoing basis and staff re deployed as necessary to meet the requirements of fluctuating volumes of work. The following table shows the average processing time in weeks for claims in County Cork decided in April 2011:

|             | Jobseeker's Allowance | Jobseeker's Benefit |
|-------------|-----------------------|---------------------|
| Bandon      | 5.86                  | 5.17                |
| Bantry      | 3.05                  | 1.98                |
| Carrigaline | 4.19                  | 1.36                |
| Clonakilty  | 7.17                  | 4.24                |
| Cobh        | 1.33                  | 3.67                |
| Cork        | 5.41                  | 1.64                |
| Fermoy      | 6.50                  | 2.43                |

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|            | Jobseeker's Allowance | Jobseeker's Benefit |
|------------|-----------------------|---------------------|
| Kinsale    | 10.21                 | 1.98                |
| Macroom    | 7.46                  | 3.35                |
| Mallow     | 7.23                  | 1.41                |
| Midleton   | 6.79                  | 3.11                |
| Skibbereen | 4.90                  | 1.66                |
| Youghal    | 6.76                  | 2.18                |

*Question No. 289 answered with Question No. 241.*

290. **Deputy Eoghan Murphy** asked the Minister for Social Protection the measures in place to ensure the speedy processing of entitlements and services for parents who have children with disabilities and care for them full-time; the improvements that are proposed; and if she will make a statement on the matter. [11823/11]

**Minister for Social Protection (Deputy Joan Burton):** The payments relating to disabled children administered by the Department include domiciliary care allowance and carer's allowance. Domiciliary care allowance is a payment to the parent or carer of a child who has a disability so severe that it requires the child to need care and attention or supervision substantially in excess of another child of the same age. The child must be likely to require this level of care and attention for at least 12 months. Every application is assessed by one of the Department's Medical Assessors. An individual medical opinion, based on the information submitted by the applicant in support of their claim, is offered in each case. The deciding officer then makes a decision having considered the medical opinion provided and all the other information available.

Applications for domiciliary care allowance are processed by date of receipt. It currently takes approximately eight weeks to process an application, which is in line with target. Entitlement to carer's allowance is based on satisfying medical, means and residency conditions. In determining entitlement to the allowance there are, in certain cases, unavoidable time lags involved in making the necessary investigations and enquiries to enable accurate decisions to be made. Delays can also arise if people applying for the allowance are not in a position to supply all the necessary information at the time of submitting their claim. Carer's allowance applications are currently taking approximately 12 weeks to process. A total of 3,815 applications were registered in the first three months of 2011 and 3,883 were processed in the same period, there are currently 4,509 applications awaiting a decision.

The main reason for the deterioration in the processing time for carer's allowance is due to staff being engaged in work on a major service modernisation project involving the development of IT functionality and associated business reorganisation. This work involves a significant level of data clean-up and related work to ensure the 51,000 existing carer's allowance customers can be successfully transferred onto the new IT platform. It is anticipated that the new system will introduce significant processing efficiencies and a quicker and more responsive service to the customer. I am pleased to say the modernisation project is currently on target for delivery in July 2011. The staff and other resources available to the Department are regularly reviewed having regard to the workload and competing priorities and the position continues to be kept under review.

291. **Deputy Paul J. Connaughton** asked the Minister for Social Protection the reason a person (details supplied) in County Galway is not entitled to have their teeth cleaned under their PRSI entitlement. [11832/11]

**Minister for Social Protection (Deputy Joan Burton):** The dental treatment benefit scheme is an employment-based scheme, available to customers and their dependent partners who have paid a certain number of PRSI contributions. For claims made in 2011, customers aged over 25 years need the following to qualify: (1) a total of 260 Class A, H, E, or P PRSI contributions paid since first starting work; (2) 39 contributions either paid or credited in 2009; and (3) 13 contributions paid in any of the last three years. As the person concerned does not appear to meet any of these conditions, she is not currently qualified for dental benefit. In addition, it should be noted that following the budget changes introduced in January 2010, the dental benefit scheme currently provides a free dental examination to qualified customers and no longer provides for the cleaning of teeth. If the person concerned holds a medical card, she may be entitled to dental treatment under the Health Service Executive scheme.

### National Parks

292. **Deputy Tom Fleming** asked the Minister for Tourism, Culture and Sport if he will review staffing levels at a national park (details supplied). [11297/11]

**Minister for Tourism, Culture and Sport (Deputy Jimmy Deenihan):** I assure the Deputy that, as in previous years, Muckross Gardens continue to be managed and maintained to the highest possible standards, as evidenced by the many positive comments from visitors to the gardens and also the favourable mention of the gardens in a magazine, *The Irish Garden*, last year. As with all gardens, climatic conditions can have a marked bearing on the appearance of Muckross Gardens. In this regard, it should be noted that the past two winters have been the coldest since records began at the weather station in Muckross. Unfortunately, due to these exceptionally cold winters many of the Southern Hemisphere and tender plants in the Gardens were damaged or lost. However, the dedicated staff at Muckross Gardens are continuing their work on the rehabilitation or removal and replacement of damaged shrubs and plants with a view to restoring Muckross Gardens to pristine condition. I am satisfied, given the current economic circumstances, that the staffing levels at Muckross Gardens are appropriate.

### Air Services

293. **Deputy Éamon Ó Cuív** asked the Minister for Tourism, Culture and Sport when air services to Inishbofin Island will commence; if these can commence with the provision of temporary air terminals; and if he will make a statement on the matter. [11354/11]

294. **Deputy Éamon Ó Cuív** asked the Minister for Tourism, Culture and Sport the position regarding the provision of terminals at the airstrips at Cluain Leacht an Abba, An Cloigeann and on Inishbofin Island; and if he will make a statement on the matter. [11355/11]

295. **Deputy Éamon Ó Cuív** asked the Minister for Tourism, Culture and Sport if he will make a site available immediately at Cluain Leacht an Abba, An Cloigeann to the Coast Guard Service which will act as a headquarters for the local coast guard unit; his views that such an arrangement is a good use of State resources; and if he will make a statement on the matter. [11356/11]

**Minister of State at the Department of Community, Equality and Gaeltacht Affairs (Deputy Dinny McGinley):** I propose to take Questions Nos. 293 to 295, inclusive, together.

The current position regarding the provision of air service facilities at Inishbofin and Cleggan is that the building of both runways is largely complete. My Department has engaged consultants to make progress with the next phase of development, which is to design and apply for planning permission for the terminal buildings. This work is ongoing at the moment. A decision



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with regard to the next phase of the development will be made when the outcome of this process is known. My Department has had some preliminary discussions with the Irish Coast Guard in relation to the provision of facilities at Cleggan. No decision on the provision of such facilities will be made until the outcome of the planning permission application previously referred to is known. My Department does not in principle oppose the provision of a site for the Irish Coast Guard at Cleggan.

### **Forbairt Tionscail Iascaireachta**

296. D'fhiafraigh **Éamon Ó Cuív** den Aire Turasóireachta, Cultúir agus Spóirt an bhfuil cead ag Údarás na Gaeltachta deontais a cheadú do thionscal na mbradán feirme agus mura bhfuil, cad iad na cúiseanna leis seo; agus an ndéanfaidh sé ráiteas ina thaobh. [11374/11]

**Minister of State at the Department of Community, Equality and Gaeltacht Affairs (Deputy Dinny McGinley):** Tá sé curtha in iúl dom ag Údarás na Gaeltachta go bhfuil cosc ar an eagraíocht deontais a íoc le hearnáil na feirmeoireachta bradán faoi láthair. Tuigim ón údarás go n-eascraíonn an cosc seo ó fhorálacha maidir le bradáin fhiáine a chosaint ó mhíolta mara atá sa Chlár Náisiúnta um Bhia na Mara. Foilsíodh an Clár Náisiúnta seo i 2010.

### **Special Areas of Conservation**

297. **Deputy Seán Fleming** asked the Minister for Tourism, Culture and Sport if the National Parks and Wildlife Service is examining or reviewing the possibilities of further designations of any bogs or peatlands as special areas of conservation, natural heritage areas or any other designations; and if he will make a statement on the matter. [11840/11]

**Minister for Tourism, Culture and Sport (Deputy Jimmy Deenihan):** Ireland has a significant proportion of its raised and blanket bogs designated for protection within Special Areas of Conservation or Natural Heritage Areas. I have no plans to add to the overall area of bog designated for protection.

298. **Deputy Brian Stanley** asked the Minister for Tourism, Culture and Sport his plans to review the criteria used to designate areas as special areas of conservation and natural heritage areas. [11693/11]

**Minister for Tourism, Culture and Sport (Deputy Jimmy Deenihan):** I have no plans to review the criteria used for designating Natural Heritage Areas, which are set out in the Wildlife Acts, or for designating Special Areas of Conservation, which are provided for in the EU Habitats Directive, as transposed into Irish Law through the European Communities (Natural Habitats) Regulations.

### **Departmental Agencies**

299. **Deputy Dominic Hannigan** asked the Minister for Tourism, Culture and Sport the number of State agencies or organisations under his remit which are paid up members of the Irish Business and Employers Confederation; the name of each agency or organisation; the amount each State agency or organisation paid to the Irish Business and Employers Confederation for the years 2007, 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [11329/11]

**Minister for Tourism, Culture and Sport (Deputy Jimmy Deenihan):** The details requested by the Deputy in respect of the period from 2007 to date in 2011 are set out in the following table:

| Agency                      | 2007   | 2008   | 2009   | 2010   | 2011 (to date)                             |
|-----------------------------|--------|--------|--------|--------|--|
|                             | €      | €      | €      | €      | €  |
| Irish Film Board            | 5,429  | 5,636  | 5,556  | 5,656  | 5,636                                      |
| Arts Council                | 1,653  | 1,872  | 1,872  | 1,713  | 1,872                                      |
| National Gallery of Ireland | 5,509  | 5,730  | 5,272  | 5,310  | 5,042                                      |
| Irish Museum of Modern Art  | 2,387  | 2,483  | 2,483  | 0      | 0  |
| National Concert Hall       | 1,139  | 1,490  | 2,216  | 2,216  | 2,177                                      |
| Crawford Art Gallery        | 0      | 0      | 2,500  | 3,000  | 0  |
| Chester Beatty Library      | 1,102  | 1,337  | 1,337  | 1,337  | 1,337                                      |
| Údarás na Gaeltachta        | 9,004  | 9,348  | 9,380  | 9,380  | 9,348                                      |
| Foras na Gaeilge            | 1,653  | 1,604  | 1,604  | 1,604  | 0  |
| Heritage Council            | 1,040  | 1,300  | 0      | 0      | 0  |
| Waterways Ireland           | 18,394 | 19,252 | 16,579 | 27,999 | 0  |
|                             |        |        |        |        | — the 2011 membership fee was paid in 2010 |

### Tourism Industry

300. **Deputy Pat Deering** asked the Minister for Tourism, Culture and Sport if he has any proposals to invest in the rivers and waterways tourism initiative, in view of the fact that this investment is necessary to draw down the matching money from the EU. [11484/11]

**Minister for Tourism, Culture and Sport (Deputy Jimmy Deenihan):** The Deputy will be aware that Waterways Ireland falls within the ambit of my Department. I have been advised by that body that it is not involved in the Rivers and Waterways Tourism Initiative referred to by the Deputy. The Deputy may wish to pursue the matter with my colleague, the Minister for Transport, Tourism and Sport, who has overall responsibility for tourism affairs.

### Departmental Expenditure

301. **Deputy John McGuinness** asked the Minister for Tourism, Culture and Sport if he will confirm the number of credit cards issued by him and to whom; the criteria for issuing such cards; the credit card company used; if a competitive process was used to select the company; if the facility has had to be withdrawn from any person; and if he will make a statement on the matter. [11562/11]

**Minister for Tourism, Culture and Sport (Deputy Jimmy Deenihan):** My Department has four credit cards issued to officials for use in the course of their business. These cards are issued to the Private Secretary to the Minister, the Assistant Secretary in my Department's Arts Division, my Department's Accountant and the Chief Executive Officer of Culture Ireland. Cards are issued in individual cases following an examination of the business need arising. All credit cards are Visa cards issued by Allied Irish Bank. An evaluation process was applied in 2006 to identify a service provider and Allied Irish Bank emerged as the favoured supplier. While I am advised that the number of credit cards held by officials in my Department has fallen in recent years, I understand this has been solely on the basis that there has not been a continuing business case for the use of a Departmental credit card by the individuals involved. My Department will continue to keep under review the business need for credit cards in each individual case.

### Home Energy Saving Scheme

302. **Deputy Joe McHugh** asked the Minister for Communications, Energy and Natural Resources the proposed changes planned for the Sustainable Energy Authority of Ireland scheme; and if he will make a statement on the matter. [11162/11]

304. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources the rationale behind the reduction in grant aid levels under the home energy saving scheme (details supplied); the overall cost to the Exchequer of the scheme to date; if the scheme is cost neutral due to the stimulus that it provides to the construction sector; and if he will make a statement on the matter. [11758/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I propose to take Questions Nos. 302 and 304 together.

I announced the launch of *Better Energy: The National Upgrade Programme* on Wednesday, 11 May 2011 on foot of the Jobs Initiative. *Better Energy* will replace the three existing energy efficiency and renewable energy programmes: the Home Energy Savings Scheme (HES), the Warmer Homes Scheme (WHS) and the Greener Homes Scheme (GHS). There are three strands to *Better Energy*. The first strand allows domestic customers to apply for an Exchequer supported incentive, currently a grant but which will migrate to an up-front discount later in the year. The measures grant-aided under this strand include roof and wall insulation, high efficiency boilers, heating control upgrades and solar thermal.

The second strand brings 25 energy suppliers on board as partners. These companies have been asked to finalise voluntary agreements with the SEAI by the end of June, which will deliver 200GWh of energy saving measures in 2011. Energy companies can meet their target by directly offering upgrade services, or by sub-contracting the work to third parties.

The third strand provides support for energy efficiency upgrades in low-income private housing, covered by the Warmer Homes Scheme. Applications are collected centrally, via a managing agent, or through a network of 28 community-based organisations who deliver the retrofit work free of charge to the homeowner.

The SEAI will monitor all activity by recording the Building Energy Rating of every home before and after works are carried out, and verifying what measures have been carried out to the appropriate standards. The *Better Energy* grant levels have been set to ensure that the level of Exchequer support is in line with market prices. Since the HES scheme was launched in 2009, there have been substantial reductions in the prices being charged for most of the measures covered by the scheme, the exception being external insulation which is a relatively new technology in Ireland. It is clearly essential that the level of Exchequer support reflects market prices.

303. **Deputy Joan Collins** asked the Minister for Communications, Energy and Natural Resources if his attention has been drawn to the fact that persons are being prohibited from applying for the home energy savings scheme administered by the Sustainable Energy Authority of Ireland, in view of the fact that a company (details supplied) is charging a fee of €800 to move their gas meter in order that external insulation fits. [11650/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The operation of the Home Energy Scheme is a day to day matter for the Sustainable Energy Authority of Ireland (SEAI). I have no function in the matter.

It is a legal requirement under The Energy (Miscellaneous Provisions) Act 2006 that all domestic gas works must be undertaken and certified by a registered gas installer (RGI) who is registered with the RGII (Register Gas Installers of Ireland).

Bord Gáis advises that the installation of external wall insulation to a property with an existing natural gas supply must ensure compliance with all relevant national gas, safety and technical standards. If the external insulation will have an impact on the gas service line/meter location, then Bord Gáis Networks should be contacted so that a suitable solution can be achieved. If the insulation is planned to cover an existing wall area where a gas service/meter is located, then either the meter can be moved to a non-affected location or temporarily moved for the period of works and then reinstated.

Only Bord Gáis Networks can move a meter and whilst this may result in additional costs for homeowners this is a necessary legislative and safety requirement. Any up-front costs associated with the installation of energy efficiency measures will be recouped through energy savings in future.

*Question No. 304 answered with Question No. 302.*

### **Fishing Licences**

305. **Deputy Brendan Griffin** asked the Minister for Communications, Energy and Natural Resources the reason a draft net licence for 2011 was refused to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [11161/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I understand that the individual referred to by the Deputy applied for a draft net salmon fishing licence. Applications for fishing licences were considered by Inland Fisheries Ireland, in accordance with the terms of the Control of Fishing for Salmon Order 2011 (S.I. No 123, 2011). This Order determines the priority status afforded to each application based on the applicant's fishing track record. In the event of the number of applicants being in excess of the licences available, IFI determined the allocation in accordance with Article 6 of the Order.

### **Television Licence Fee**

306. **Deputy Michael McGrath** asked the Minister for Communications, Energy and Natural Resources his plans for a review of the television licence system; and if he will make a statement on the matter. [11270/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Programme for Government commits to examining the role and collection of the TV Licence Fee in light of existing and projected convergence of broadcasting technologies and to transform the TV licence into a household based Public Broadcasting Charge to be applied to all households and applicable businesses, regardless of the device they use to access content.

In line with this commitment, my Department is currently undertaking an exercise whereby it is examining both the effectiveness and efficiency of the current model of television licence fee collection, in the context of the changing technological environment, and examining the efficiency of various international models for the funding of public service broadcasting. The results of the exercise will be an analysis of the most effective models in terms of efficiency, capability to fund our public service broadcasting service and equity of applicability.

I would emphasise the need to provide certainty as regards the funding base for public service broadcasting. The licence fee has provided much certainty although it is subject to a certain degree of evasion.

[Deputy Pat Rabbitte.]

Any changes that may be proposed and implemented must continue to provide a secure base for public service broadcasting funding whilst also recognising the reality of new mechanisms to access TV content.

The scope of work being carried out under this review is quite extensive. Nevertheless, I expect to receive recommendations arising out of this review by year end and, following that, work will begin on developing any necessary legislative proposals that might be required to facilitate the implementation of any recommendations that I decide to take forward.

### Departmental Agencies

307. **Deputy Dominic Hannigan** asked the Minister for Communications, Energy and Natural Resources the number of State agencies or organisations under his remit which are paid up members of the Irish Business and Employers Confederation; the name of each agency or organisation; the amount each State agency or organisation paid to the Irish Business and Employers Confederation for the years 2007 to date in 2011, inclusive; and if he will make a statement on the matter. [11317/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I can inform the Deputy that the payment of subscriptions by State Agencies in respect of corporate membership of organisations, including Irish Business and Employers Confederation is a day-to-day operational issue for the agencies themselves.

### Telecommunications Services

308. **Deputy Robert Troy** asked the Minister for Communications, Energy and Natural Resources if the number of new sites established under the national broadband scheme has reached the target of over 400 stated previously on his website; if not, the number of new sites that have been completed and are functioning correctly at present; and the number of those that are masts supporting antennae in new locations. [11439/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** My Department entered into a contract with “3”, a Hutchinson Whampoa company, for the delivery of the National Broadband Scheme (NBS) in late December 2008. Since then, 3 has progressed its network roll-out and since October 2010, NBS broadband services are available in all of the 1,028 designated Electoral Divisions (ED) covered under the Scheme, in line with contractual commitments.

3’s primary contractual obligation centred on ensuring that service was available in all NBS areas by October last. In order to ensure the successful delivery of this obligation, 3 extended and enhanced its network and now has 390 sites across the NBS areas. I have provided a table below which details the breakdown of these sites.

| Breakdown of Structures for NBS         | Total |
|---|-------|
| Greenfield Sites (new build structures) | 197   |
| Co-location on existing structures      | 186   |
| Buildings                               | 7     |
| Total                                   | 390   |

My Department has put in place robust monitoring arrangements to ensure that the NBS network delivers the minimum specified service or better to all users. Performance delivery

data, which is submitted to my Department on a monthly basis or as required, is critically analysed by independent technical consultants, Analysys Mason Ltd.

On the basis of the information provided to my Department, I am satisfied that the specified service levels required under the NBS contract are being met.

309. **Deputy Robert Troy** asked the Minister for Communications, Energy and Natural Resources if the subsidy of ongoing charges for satellite services provided under the national broadband scheme will be maintained after the NBS contract ends in or around July 2014. [11440/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The National Broadband Scheme (NBS) contract guarantees that broadband connectivity is available to 100% of the buildings within the NBS coverage areas. In recognition of the fact that some areas will be very costly and technologically challenging to reach using standard infrastructure, a limited number of residences and businesses in the NBS coverage area are covered by a satellite service.

“3”, the NBS service provider, has entered into a contract with two satellite providers on a non-exclusive basis for the provision of the NBS satellite service.

After the expiry of the NBC contract in July 2014, tariffs for NBS customers will be determined by the service provider in accordance with market forces and conditions.

310. **Deputy Robert Troy** asked the Minister for Communications, Energy and Natural Resources when and where he will publish the relative weighting which he will give to each of the criteria chosen in awarding the contract for the rural broadband scheme, as recommended by the Community guidelines; if he will publish the results of the tender evaluation process; if he will publish the eventual contract entered into with the winner of the tender; if it can be correctly inferred from his briefing on his Department’s website that the scheme will cover equipment installation only and will not subsidise or cap ongoing broadband charges; and the body that will be appointed to resolve any disputes that might arise between the RBS contract winner regarding equipment installation and ongoing service. [11441/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** Following the formal launch of the Rural Broadband Scheme earlier this month, my Department is currently taking applications from members of the public who wish to be included in this scheme. This application and verification phase will last at least 3 months.

In the second half of this year my Department intends tendering to procure a service provider who will supply the actual broadband connection and service to eligible applicants. This procurement will be administered in full compliance of public procurement rules and regulations including the commercial confidentiality of those bidding for the contract.

The full details of how this competition will be designed and run are not yet finalised. However, I can confirm that the scheme is designed to subsidise the initial capital cost of providing the actual physical broadband connection and, that under the rules applying to the EU funding for the scheme, we are precluded from subsidising monthly tariffs for the service provided.

### **Departmental Expenditure**

311. **Deputy John McGuinness** asked the Minister for Communications, Energy and Natural Resources if he will confirm the number of credit cards issued by him and to whom; the criteria for issuing such cards; the credit card company used; if a competitive process was used to select

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the company; if the facility has had to be withdrawn from any person; and if he will make a statement on the matter. [11550/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** There are currently two cardholders on my Department's Credit Card Account, the Private Secretaries to the Minister and the Minister of State. It is my Department's policy that credit cards are issued only to the Minister and Minister of State through their respective Private Secretaries.

My Department's commercial bank accounts, including its credit card account, are held with Bank of Ireland. My Department's credit card account was opened in January 2007 following the introduction of banking online services on our existing Bank of Ireland accounts.

A total of 22 individual card holders have operated through this Department's credit card account at various stages since it opened in January 2007. The Management Committee, in November 2008, revised the Department's credit card policy to the effect that credit cards would only be issued to the Minister and Minister of State through their relevant Private Secretaries. All other credit cards were withdrawn at that time.

### Telecommunications Services

312. **Deputy Billy Timmins** asked the Minister for Communications, Energy and Natural Resources the position regarding broadband in respect of a person (details supplied) in County Wicklow; and if he will make a statement on the matter. [11575/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The issue referred to in the Deputy's Question relates to the monthly data cap allowance for National Broadband Scheme (NBS) customers and forms part of the terms and conditions of the contract between the service provider and subscriber.

The NBS contract sets out the minimum specification retail service that "3" must provide which includes the retail tariffs applicable (€19.99 per month) as well as minimum upload and download speeds and an uncharged monthly data cap of 25GB (20 GB download and 5GB upload). Where a subscriber exceeds their monthly data cap limit a retail services ancillary charge of 5 cent per MB in excess of the cap will be levied.

This forms part of the terms and conditions of each individual subscriber's contract with "3" under the NBS.

Additionally, under its contract with the Government, "3" is prohibited from offering non-NBS products and services in NBS areas.

### Public Procurement Contracts

313. **Deputy Noel Greally** asked the Minister for Communications, Energy and Natural Resources the number of public contracts awarded to European companies and the number awarded to indigenous companies over the past five years; the monetary value of the projects awarded to European companies as opposed to indigenous companies for the past five years; and if he will make a statement on the matter. [11605/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** In the time available, it has not been possible to conclude an examination of the relevant records.

Officials within my Department are continuing the examination of the position and I will revert to the Deputy as soon as possible.

### Energy Prices

314. **Deputy Dan Neville** asked the Minister for Communications, Energy and Natural Resources his views on the recent announcement from ESB Electric Ireland on the introduction of reduced tariff for their customers; and if he will make a statement on the matter. [11769/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** I have no statutory function in the setting of energy prices, whether in the regulated or non-regulated sector. Responsibility for the regulation of the electricity and gas markets is a matter for the Commission for Energy Regulation (CER), which is an independent statutory body. I welcome the recent ESB announcement of price cuts of up to 17% for electricity and gas customers on foot of the de-regulation of the retail electricity market. This is a positive example of competition at work in the market which should have good results for consumers.

315. **Deputy Dan Neville** asked the Minister for Communications, Energy and Natural Resources if he will ensure customers in receipt of the free electricity allowance who need discounts more than most will be included in the new ESB package; and his views that the insistence that customers must actively request that they be put on the new lower rates would exclude many categories of citizens, for example the elderly and the disabled. [11770/11]

**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** The Household Benefits Package, of which the “free electricity allowance” is part, is a matter for the Minister for Social Protection and the administration of that package is for the Department for Social Protection.

Some 340,000 households are recipients of the free electricity allowance as part of this package from the Department for Social Protection. Recipients of the free electricity allowance, including the elderly and the disabled, receive 2,400 free units of electricity per year, minimising or eliminating bills for these consumers.

I have no statutory function in the setting of energy prices, whether in the regulated or non-regulated sector. Responsibility for the regulation of the electricity and gas markets is a matter for the Commission for Energy Regulation (CER), which is an independent statutory body.

In the deregulated electricity sector, enhanced market monitoring is now a key function of the CER. Mindful of potential changes in an increasingly competitive market and the possible discrimination that could occur on prices between different customer groups, the CER have issued a decision paper on Price Discrimination and Customer Protection in the Deregulated Electricity Market (CER/11/059 -13th May 2011). The decision states that CER will not impose a mandatory obligation of non-discrimination on any supplier in the market at this time, as it considers it premature to impose such as condition. The CER will continue to monitor the market and will identify appropriate remedies where necessary.

The offerings of discounts and their application to customers is a commercial decision for all electricity suppliers including ESB Electric Ireland. I have no function in these decisions. Following deregulation, ESB Electric Ireland has introduced a range of new Price Plans, reflecting normal competitive practices in the deregulated energy market. I welcome the ESB’s announcement of price cuts of up to 17% for electricity and gas customers.

### Broadcasting Services

316. **Deputy Seán Kenny** asked the Minister for Communications, Energy and Natural Resources if TV3 and TG4 are paying RTÉ NL in respect to their services on Saorview, the digital terrestrial television service; and if he will make a statement on the matter. [11814/11]



**Minister for Communications, Energy and Natural Resources (Deputy Pat Rabbitte):** It is the responsibility of my Department, in conjunction with RTÉ, the Broadcasting Authority of Ireland (BAI), ComReg and other stakeholders to progress the digital switch-over process so that it meets the 2012 timeline for analogue switch off.

Accordingly, I imposed, by order, a requirement on RTÉ to make its public service DTT multiplex available to 90% of the population from 31st October 2010. On 29th October, RTÉ launched the DTT service (called Saorview) to over 90% of the population on a pilot basis. RTE considered that a pilot phase was essential to provide for the roll out of the network nationally, test new content and to allow for technical testing. In addition they considered that this period could be used to develop additional content and services and to ensure the availability of a variety of Saorview approved receivers, prior to the national launch. Because of the nature of this pilot phase it was considered appropriate that broadcasters should not be charged for DTT services during this period.

The pilot network is available to the public and currently broadcasts RTÉ 1, RTÉ 2, TG4, TV3, 3e and 2 test services — RTÉ News Now service and an RTÉ digital teletext service. RTÉ is proposing a full national launch in the second quarter of 2011. Further information on the RTÉ DTT service is available on [www.saorview.ie](http://www.saorview.ie).

### **Public Transport Services**

317. **Deputy Simon Harris** asked the Minister for the Environment, Community and Local Government the process by which a private bus company is entitled to install bus shelters; the level of consultation required with local authorities; and if he will make a statement on the matter. [11756/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** Under the Planning and Development Acts 2000-2010 and the associated Regulations, all development commenced on or after 1 October 1964 requires planning permission unless specifically exempted. While certain developments are exempted under section 4 of the Act and Part 2 and Schedule 2 of the Planning and Development Regulations 2001, as amended, there is no specific exemption provided for bus shelters.

The decision as to whether to grant a planning permission in any particular case is a matter for the planning authority in the first instance, or An Bord Pleanála on appeal.

### **Local Government Reform**

318. **Deputy Niall Collins** asked the Minister for the Environment, Community and Local Government his views on the proposal in the McCarthy report to reduce the number of local authorities from 34 to 22; and if he will make a statement on the matter. [11796/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The *Report of the Special Group on Public Service Numbers and Expenditure Programmes* was published in July 2009 and, since publication, its recommendations have provided important input to Government and Ministerial consideration of options for expenditure reduction and policy development.

Consistent with the approach of the Special Group, the *Report of the Local Government Efficiency Review Group* includes recommendations for efficiency and other savings in the local government sector, to be attained in the short, medium and long term. In addressing the potential to achieve scale efficiencies, the Review Group recommended the delivery of corporate functions and other service areas on a joint basis across contiguous local authorities. I have

recently established an Implementation Group to drive forward relevant recommendations of the Report, with a focus on key recommendations that will remove costs and yield early savings.

The recommendation to deliver certain services on a joint basis has potential implications for the structure of local government, with ten such dual administrative areas put forward for consideration and a clear-cut recommendation for, at a minimum, joint administration in the case of Limerick City and County. The subsequent report of the *Limerick Local Government Committee*, which was published in September 2010, recommended full merger of Limerick City and County and I intend to bring proposals to Government on local government structures in Limerick at an early date.

I am also considering wider proposals to renew and develop the local government system in line with the Programme for Government. Key objectives in this regard include devolution of greater decision-making to local level; strengthening the powers and functions of local authorities; enhancing the development and leadership role of local government; and strengthening its structures and funding arrangements.

### **State Property**

319. **Deputy Jack Wall** asked the Minister for the Environment, Community and Local Government if the Department has ownership of a property (details supplied) in County Kildare or if he has received any application for funding from a local authority for the stated property; if so, the position of this application; and if he will make a statement on the matter. [11156/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** The site at Magee Barracks was one of the State lands assigned to the Affordable Housing Initiative. In October 2009 it was the view of the Project Board set up to oversee the development of the site via a Public Private Partnership that the site could not be economically developed for the purposes of the Affordable Housing Initiative. The lands had not been formally transferred to Kildare County Council and remain under the control of the Department of Defence.

An application was received in 2010 for payment of the expenditure that Kildare County Council had incurred in respect of the planning for the site including costs incurred for the public consultation process and other related expenses. €1,097,861 was paid to Kildare County Council in respect of the claim in December 2010. This amount related to expenditure incurred by the Council up to 31 October 2009.

### **Dormant Accounts Fund**

320. **Deputy Dan Neville** asked the Minister for the Environment, Community and Local Government the position regarding an application under the dormant accounts for €250,000 in respect of an organisation (details supplied) in County Limerick; and if he will make a statement on the matter. [11170/11]

341. **Deputy Dan Neville** asked the Minister for the Environment, Community and Local Government the position regarding payment of RAPID grants to Rathkeale, County Limerick. [11578/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 320 and 341 together.

I refer to the reply to Question No. 257 of 10 of May 2011.

[Deputy Phil Hogan.]

Under the programme in question, I understand that an Area Implementation Team (AIT), which draws up a plan based on the particular needs of the area so that available funding can be targeted where it will do the most good in the community, has been established for the area in question. The inaugural meeting of the AIT took place on 15 April 2010.

The AIT includes representatives of the Department of Social Protection, the relevant local authority, An Garda Síochána, Youth Services, HSE, VEC and others. I understand that the community forum structure has been agreed, task groups have been formed and there is agreement on the role of agencies and on chairing of task groups. A Co-ordinator for the area is in place since January 2010, funded by the local authority.

As regards the proposal to allocate additional funding for the area in question from the Dormant Accounts Fund, I can confirm that eight projects have been prioritised by Pobal. These are currently being considered by my Department in the context of the reduced level of funding available to the Department in the current year, and also in the context of the review of expenditure that is being undertaken. Any decisions arising will be notified to all applicants as soon as possible.

### Local Authority Staff

321. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government if he will outline on an authority basis, the amount of staff employed by each local authority on 31 December 2010; and the percentage of the overall budget of each authority accounted for by labour costs. [11191/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Information regarding the number of whole time equivalent (WTE) staff employed in each local authority on 31 December 2010 and gross cash remuneration as a percentage of the overall expenditure for each local authority (based on the latest unaudited 2010 Annual Financial Statements data available to the Department) is presented in the following table.

| Local Authority        | No. of WTE Staff at December 2010 | Gross Cash Remuneration as a percentage of overall budget |
|------------------------|-----------------------------------|---|
| Carlow                 | 297.24                            | 16.39   |
| Cavan                  | 434.09                            | 21.11   |
| Clare                  | 810.19                            | 20.77   |
| Cork                   | 2,255.16                          | 21.34   |
| Donegal                | 999.11                            | 20.22   |
| Dun Laoghaire/Rathdown | 1,143.4                           | 11.99   |
| Fingal                 | 1,441.9                           | 11.98   |
| Galway                 | 846.87                            | 11.80   |
| Kerry                  | 1,194.63                          | 20.50   |
| Kildare                | 925.4                             | 14.79   |
| Kilkenny               | 545.24                            | 11.73   |
| Laois                  | 392.79                            | 11.13   |
| Leitrim                | 294.85                            | 18.69   |
| Limerick               | 686.38                            | 13.85   |
| Longford               | 306.01                            | 19.54   |
| Louth                  | 674.64                            | 17.33   |
| Mayo                   | 1,103.65                          | 20.28   |
| Meath                  | 668.82                            | 17.60   |

| Local Authority | No. of WTE Staff at December 2010 | Gross Cash Remuneration as a percentage of overall budget |
|-----------------|-----------------------------------|---|
| Monaghan        | 412.72                            | 16.68   |
| Offaly          | 418.5                             | 20.62   |
| Roscommon       | 487.12                            | 22.94   |
| Sligo           | 510.45                            | 17.36   |
| South Dublin    | 1,344.7                           | 14.25   |
| North Tipperary | 515.57                            | 22.69   |
| South Tipperary | 651.1                             | 20.17   |
| Waterford       | 503.61                            | 25.12   |
| Westmeath       | 480.43                            | 17.02   |
| Wexford         | 788.38                            | 18.38   |
| Wicklow         | 789.45                            | 18.24   |
| Cork City       | 1,374.0                           | 26.09   |
| Dublin City     | 6,298.3                           | 23.94   |
| Galway City     | 442.8                             | 16.70   |
| Limerick City   | 485.41                            | 17.10   |
| Waterford City  | 379.93                            | 16.30   |
| <b>Total</b>    | <b>30,902.84</b>                  | <b>18.15</b>  |

### Local Authority Funding

322. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government the total amount of moneys outstanding to a local authority (details supplied) from him; and the date on which the outstanding amounts will be paid. [11192/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The information requested in respect of the main programmes for which my Department is responsible is set out in the following table.

| Programme   | 2011 Allocation                    | Amount paid to end April 2011 | Remaining Balance | Expected Payment Date                  |
|---|------------------------------------|-------------------------------|-------------------|--|
| Housing Rental Accommodation Scheme                                     | No predetermined annual allocation | €1,872,910                    | n/a               | n/a                                    |
| Housing Adaptation Grants for Older People and People with a Disability | €2,175,646                         | €118,508                      | €2,057,138        | Dependent on Council submitting claims |
| Local Authority Housing   | €1,275,000                         | €20,000                       | €1,255,000        | Dependent on Council submitting claims |
| Remedial Works/Energy Efficiency  | €2,309,557                         | €302,316                      | €2,007,241        | Dependent on Council submitting claims |
| Capital Assistance Scheme   | €2,500,000                         | €11,489                       | €2,488,511        | Dependent on Council submitting claims |
| Water Services Water Services Training Group                            | €29,000                            | €0                            | €29,000           | Dependent on Council submitting claims |
| Rural Water Grant   | €9,470,000                         | €1,198,382                    | €8,271,618        | Dependent on Council submitting claims |

[Deputy Phil Hogan.]

| Programme                                      | 2011 Allocation                    | Amount paid to end April 2011 | Remaining Balance   | Expected Payment Date   |
|--|------------------------------------|-------------------------------|---|---|
| Water Services Investment Programme            | No predetermined annual allocation | €18,329                       | Claims currently on hand to the value of up to €600,000, which are subject to examination by the Department | Examination of claims will be completed as soon as possible   |
| Waste  |                                    |                               |   |   |
| Civic Amenity                                  | No predetermined annual allocation | €0                            | €86,648   | Dependent on Council submitting additional information  |
| Local Government                               |                                    |                               |   |   |
| Local Government Fund — General Purpose Grant* | €32,135,562                        | €14,969,008                   | €14,969,008 (estimated)   | Q3 and Q4 of 2011   |
| Fire Services                                  | No predetermined annual allocation | €261,473                      | €135,984  | €31,049 to be paid in May 2011, with the balance of €104,935 dependent on Council submitting outstanding claims |
| Libraries Swinford Library                     | €273,283                           | €49,324                       | €223,959  | Dependent on Council submitting claims  |
| Local Government — Community & Voluntary Fora  | €19,392                            | €0                            | €19,392   | Dependent on Council submitting additional information  |

\*General Purpose Grant allocations are paid to local authorities net of retained pension related deductions.

### Local Authority Staff

323. **Deputy Dara Calleary** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to proposed redundancies at Mayo County Council; and if he will make a statement on the matter. [11193/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Staffing and organisational arrangements are a matter for each County and City Manager in respect of the local authorities for which he or she is responsible. I understand that a systematic review of staffing requirements has been undertaken by the management of Mayo County Council, which has identified a need to make savings, and that the redeployment process agreed under the Public Service Agreement may be utilised in this regard.

I am not aware of any proposals by the Council regarding redundancies. Any proposals for voluntary redundancies would require sanction from my Department with the agreement of the Department of Finance.

### Waste Disposal

324. **Deputy Michael McGrath** asked the Minister for the Environment, Community and Local Government his plans to carry out a comprehensive clean-up at the former Irish ISPAT site at Haulbowline, County Cork; and if he will make a statement on the matter. [11268/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** An Office of Public Works chaired working group has been developing proposals for a structured and coherent approach to the further management of the former ISPAT site. The working group's terms of reference include examining the regulatory requirements for the site and advising the Government on the site's most beneficial future use. Plans for future use will determine the levels and extent of further works and/or remediation required, as well as helping to clarify further regulatory requirements, national and European, which may fall to be met.

I understand that the working group is currently finalising its report, which will provide a further key input to the process of charting a definitive and transparent way forward in relation to the site, and assist in addressing concerns of the local community. I look forward to considering the report's conclusions with my Government colleagues at an early date.

### **Local Authority Staff**

325. **Deputy Michael McGrath** asked the Minister for the Environment, Community and Local Government his plans to reduce the annual leave entitlements of county managers; and if he will make a statement on the matter. [11276/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government Sectorial Plan under the Public Service Agreement, prepared by management and agreed with unions in September 2010, contains an action relating to the standardisation, across all local authorities, of annual leave, with an implementation date of December 2011.

County and City Managers have agreed that a maximum of 32 days annual leave will be implemented on a voluntary basis in respect of all County and City Managers while this issue continues to be progressed under the Croke Park agreement.

### **Planning Issues**

326. **Deputy Finian McGrath** asked the Minister for the Environment, Community and Local Government if, following discussions with the European Commission, if all county development plans are in compliance with Articles 43 and 56 of the EC Treaty, specifically with regard to the inclusion of inurement clauses in the granting or planning permission; and if he will make a statement on the matter. [11285/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** In June 2007, a Letter of Formal Notice issued from the Commission of the European Communities to Ireland under Article 226 of the EC Treaty, seeking to address areas of possible concern around the compatibility of certain provisions in specified County Development Plans with Articles 43 and 56 of the EC Treaty regarding the fundamental principles of freedom of establishment and the free movement of capital, respectively.

The Letter of Formal Notice stemmed from concerns that the 'local needs' assessment process set out in my Department's 2005 Sustainable Rural Housing Guidelines for Planning Authorities and contained in the named County Development Plans may have impacted on the freedom of establishment of business and the free movement of capital.

In response, and following substantial consultation with the Commission, my Department issued *Circular Letter SP 5/08* in September 2008 to all planning authorities clarifying the policy position in respect of compliance with Articles 43 and 56 of the Treaty. In particular, it was made clear that development plans incorporating the 'local needs' assessment test must not discriminate against planning applicants wishing to establish a full-time, home-based business

[Deputy Willie Penrose.]

in an area but, rather, that such applicants should be given due consideration within the proper planning and sustainable development objectives for the area. Furthermore, all planning authorities were requested to examine their current (or draft) development plan policies and practices to ensure compatibility with the provisions of Articles 43 and 56 of the EC Treaty and, if necessary, introduce variations of the plan to ensure a consistency of approach.

In addition and with particular regard to the attachment of occupancy (or enurement) conditions to planning permissions, *Circular Letter SP 5/08* notes that such conditions remain valid provided they are applied in a non-discriminatory manner as between local and non-local applicants and recommends that all rural planning authorities should, if they are not already doing so, adopt and implement a seven-year period in respect of the length of occupancy.

In response to *Circular Letter SP 5/08*, the planning authorities have now confirmed to my Department that all County Development Plans conform, with or without amendment, with the relevant Articles of the EC Treaty. This information has been forwarded to the Commission.

### **HomeBond Guarantee Scheme**

327. **Deputy Brendan Ryan** asked the Minister for the Environment, Community and Local Government on the HomeBond Guarantee Scheme, the amount of money set aside by HomeBond for the rectification of structural damage, including pyrite induced damage; and if he will make a statement on the matter. [11288/11]

328. **Deputy Brendan Ryan** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to whether HomeBond has carried out any risk assessment or analysis for the potential cost of remedial damage caused by pyritic materials; and if the moneys set aside for remediation are adequate to meet the potential cost of such remediation; and if he will make a statement on the matter. [11289/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 327 and 328 together.

HomeBond is a private company providing structural defect insurance cover for new homes and I have no function in relation to the matters raised.

### **Departmental Agencies**

329. **Deputy Dominic Hannigan** asked the Minister for the Environment, Community and Local Government the number of State agencies or organisations under his remit which are paid up members of the Irish Business and Employers Confederation; the name of each agency or organisation; the amount each State agency or organisation paid to the Irish Business and Employers Confederation for the years 2007 to date in 2011, inclusive; and if he will make a statement on the matter. [11322/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My Department does not hold this information. Day to day operational matters, including membership of professional organisations, of the agencies under the aegis of my Department are matters for the agency or body concerned.

### **Water and Sewerage Schemes**

330. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government when the consideration of the environmental impact statement report and the

contract documents for the Casla regional water scheme, County Galway, will be completed; and when approval will be given to the council to proceed with the project in view of the fact that he previously indicated this would happen in May 2011; and if he will make a statement on the matter. [11349/11]

331. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government when the approval on the contract documents for the wastewater plant in Clifden, County Galway, will be given in view of the fact that he previously indicated that this would happen in April 2011; and if he will make a statement on the matter. [11350/11]

332. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government when the approval of the DBO contract documents for both the wastewater plant and the collection system for the Claregalway and Milltown sewerage schemes, County Galway, will be given in view of the fact that he previously indicated that this would happen in March 2011; and if he will make a statement on the matter. [11351/11]

333. **Deputy Éamon Ó Cuív** asked the Minister for the Environment, Community and Local Government when approval will be given to Galway County Council to proceed with the preparation of contract documents for the Oughterard sewerage scheme, County Galway, in view of the fact that he previously indicated that this would happen in May 2011; and if he will make a statement on the matter. [11352/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 330 to 333, inclusive, together.

The *Water Services Investment Programme 2010-2012*, a copy of which is available in the Oireachtas Library, provides for the development of a comprehensive range of new water services infrastructure in County Galway. The Programme includes contracts under construction and to commence to the value of some €130 million in the county during the period of the Programme.

An Bord Pleanála has approved the Environmental Impact Statement (EIS) for the Costelloe Regional Water Supply Scheme with conditions. Galway County Council submitted a copy of the EIS to my Department in October 2010, together with its report on the EIS conditions. My Department is currently finalising its examination of the Contract Documents in conjunction with this report and it is expected that a decision will be conveyed to the Council by the end of this month. Once approved, the Council can then proceed to invite tenders for the construction of the scheme.

Yesterday, I announced the approval of Galway County Council's Contract Documents for the Clifden Sewerage Scheme Network and Wastewater Treatment Plant (DBO) at an estimated cost of €7 million. The Council can now proceed to invite tenders for the construction of the scheme.

I also announced the approval yesterday of Galway County Council's Contract Documents for the Networks for the Milltown and Claregalway Sewerage Scheme at an estimated cost of €2.9 million. The Council can now proceed to invite tenders for the construction of the networks.

Last month my Department requested Galway County Council to revise the Design Build Operate Contract Documents for the wastewater treatment plant for Milltown and Claregalway Sewerage Scheme. Once the revised Contract Documents are submitted and approved by my Department, the Council can then proceed to invite tenders for this contract.



[Deputy Phil Hogan.]

My Department awaits Galway County Council's revised Design Review Report for the Oughterard Sewerage Scheme, which was requested last month. Once the report is submitted and approved by my Department, the Council can then proceed with the preparation of contract documents for the scheme.

334. **Deputy Patrick O'Donovan** asked the Minister for the Environment, Community and Local Government the position regarding the provision of sewerage treatment plants (details supplied) in County Limerick; the date of applications; the stages that the applications have gone through to date; when he expects to be able to move forward with the applications; his plans to restructure the applications on a priority basis; and if he will make a statement on the matter. [11399/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** A comprehensive range of new water services infrastructure has been approved for County Limerick in my Department's *Water Services Investment Programme 2010-2012*, a copy of which is available in the Oireachtas Library. The total value of contracts underway and those proposed for commencement during the period of the Programme in County Limerick is some €23 million.

The Programme aims to prioritise projects that target environmental compliance issues and support economic and employment growth. A key input to the development of the Programme was the assessment of needs prepared by local authorities, including Limerick County Council, in response to my Department's request to the authorities in 2009 to review and prioritise their proposals for new capital works in their areas. These were further appraised in the Department having regard, *inter alia*, to the level of funding likely to be available over the period of the programme. Inevitably, through this process, certain projects that had been proposed had to give way to others that were more strategically important.

The Water Services Investment Programme 2010-2012 provides for the commencement of contracts relating to the Askeaton and Dromcollogher Sewerage Schemes whereas the Pallasgreen, Bruff, Hospital, Shanagolden, Adare, Foynes, Glin and Athea Sewerage Schemes were not included in the Programme.

My Department is examining Preliminary Reports for the Askeaton and Drumcollogher Sewerage Schemes. A decision on the Preliminary Reports will be conveyed to the Council as soon as possible.

My Department wrote to all local authorities at the end of March 2011 in relation to the annual review of the Water Services Investment Programme 2010-2012. The deadline for receipt of returns was 21 April 2011. Given the short time which has passed since the extensive review of the Programme was completed in 2009/2010, and having regard to the ongoing pressure on Exchequer funding generally, it is envisaged that only minor adjustments will be made to the Programme at this stage. Limerick County Council has proposed that the Adare Sewerage Scheme be included in the Programme. It is envisaged that a decision will be conveyed to Limerick County Council in relation to this proposal by the end of June 2011.

In addition, some of the schemes referred to were included in the Council's bids for funding under the 2011 Rural Water Programme. Responsibility for the administration of the Rural Water Programme has been devolved to local authorities since 1997. The selection and approval of individual schemes for advancement and funding under this programme, within the overall priorities set by my Department and subject to the block grant allocations provided, is therefore a matter for the local authorities with the exception, in the case of Limerick County Council,

of a special allocation of €465,000, specifically for improvements identified under the River Basin Management Planning process, at Bruff Waste Water Treatment Plant.

### **Water Charges**

335. **Deputy Aengus Ó Snodaigh** asked the Minister for the Environment, Community and Local Government if he has been involved in discussions with other Departments regarding the likely implications for social welfare recipients and those on low incomes of the flagged introduction of water charges; if research has been conducted to quantify the likely demand for emergency payments from social protection funds should such charges be introduced; and if he will make a statement on the matter. [10445/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Programme for Government provides for the introduction of a fair funding model to deliver clean and reliable water. The objective is to install water meters in all households and move to a charging system based on usage above a free allowance. My Department is currently preparing a strategy to implement these proposals and it will be considering the potential impacts on low income households in consultation with the Department for Social Protection. I am not aware of any research by the Department of Social Protection on the likely demand for emergency payments.

### **Local Authority Services**

336. **Deputy Brendan Ryan** asked the Minister for the Environment, Community and Local Government the time-line for the establishment of *www.fixmystreet.ie*, the provision of which is outlined in the programme for Government. [11496/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Local authorities have arrangements and applications in place which facilitate citizens in making complaints or suggestions or in reporting problems through various mediums, including by post, phone, text, fax, e-mail and on-line through their websites. In the context of the commitment in the Programme for Government, my Department is working with local authorities in developing options for the enhancement of these arrangements which will further assist citizens in availing of local authority services and in reporting problems or faults to their local authority. I expect to receive proposals in this regard shortly.

### **Library Projects**

337. **Deputy John McGuinness** asked the Minister for the Environment, Community and Local Government if he will provide the funding necessary for the provision for a new library for Kilkenny city and Thomastown, County Kilkenny; and if he will make a statement on the matter. [11542/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Proposals for a new Central Library, to be located at John Street in Kilkenny, and replace the existing Carnegie building were received by my Department in November 2010. My Department wrote to Kilkenny County Council in March 2011 seeking additional information, and the Local Authority has indicated that a Stage 2 Application (Sketch design/Cost plan) will be submitted in June 2011. This will be considered under the public library capital programme, having regard to available resources.

My Department has not received an application in respect of Thomastown.

### Fire Services

338. **Deputy John McGuinness** asked the Minister for the Environment, Community and Local Government if he will increase the level of funding to local authorities to ensure that the current level of fire service is maintained; if his attention has been drawn to the concerns of the Kilkenny Fire Service relative to changes being proposed by Kilkenny County Council; and if he will make a statement on the matter. [11543/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs, the provision of a premises and the making of such other provisions as it considers necessary or desirable, is a statutory function of individual fire authorities under the provisions of the Fire Services Act 1981.

My Department supports fire authorities through the setting of general policy and guidance, and the provision of capital funding, including the recoupment (within the overall funding available) of costs incurred by fire authorities in relation to the approved purchase of fire appliances and equipment.

The purpose of my Department's fire service capital programme is the replacement and renewal of existing local authority fire service infrastructure and the maintenance of the fire vehicle fleet so that fire service buildings and vehicles/equipment are fit for purpose. Following significant investment in fire service infrastructure, fleet and equipment over the last decade, Ireland's fire service infrastructure is now acknowledged to be first rate. The last four years have seen a capital investment of almost €90 million under the capital programme.

There are 7 fire stations in County Kilkenny and the fire service responds to 1,300 call-outs annually. A new fire station in Castlecomer was opened in 2010 with €1 million investment from the fire services capital programme. Total capital investment of some €6.02 million has been provided to Kilkenny County Council Fire Service under the programme during the period 2002 to 2010.

In keeping with other reductions, it has been necessary to reduce the fire service capital allocation for 2011 but, given the current excellent state of fire service infrastructure, this is not expected to impact on or disrupt service delivery in any way.

Under Section 26 of the 1981 Act, each fire authority is required to prepare, and as occasion requires, revise a Fire and Emergency Operations Plan. The making of this Plan is a reserved function of the local authority. *Inter alia*, the Plan sets out the location of fire stations in the authority's functional area, operational procedures, and training arrangements. The statutory responsibility for determining fire cover standards and providing response capability rests with the local Fire Authority, and any changes being proposed are for the local authority to determine.

In recent years, international trends in managing emergency service provision have moved towards the use of Integrated Risk Management or a Risk-Based Approach (RBA). My Department's National Directorate for Fire and Emergency Management is currently funding the development and use of a Geographic Information Systems (GIS) software utility that will assist in moving towards such a risk based approach to fire cover.

The intention is that individual fire authority Section 26 operational plans, including Kilkenny's, will be revised using information produced under the risk based approach analysis, and that the information will assist and guide fire service management decisions on the deployment of available resources in the years ahead. The recommended risk based approach was

developed following a procurement process, piloted in a number of counties, and is being progressively applied access all counties during 2011.

Service managers in all counties will have access to appropriate information to facilitate effective deployment and use of resources and to ensure that an appropriate balance between fire prevention, protection and response measures is achieved using the resources available.

339. **Deputy Brendan Griffin** asked the Minister for the Environment, Community and Local Government his views on whether it will be possible for a voluntary fire service in Castlegregory, County Kerry, to continue to operate in view of the fact that it has done for decades in the context of existing health and safety regulations; and if he will make a statement on the matter. [11547/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The provision of a fire service in its functional area, including the establishment and maintenance of a fire brigade, the assessment of fire cover needs, the provision of a premises and the making of such other provisions as it considers necessary or desirable, is a statutory function of individual fire authorities under the provisions of the Fire Services Act 1981. Accordingly, the question of whether the voluntary fire service referred to in the question should continue to operate is a matter for the relevant fire authority.

County, city and borough councils are designated fire authorities under the legislation. Outside the main cities which employ full-time fire fighters, fire services are provided by a retained staffing system. Retained fire-fighters are employees of fire authorities, and are organised to provide a full professional fire service for their communities. They are trained, equipped, supervised and operate to the same procedures as their full-time colleagues. Volunteer fire units operate in a relatively small number of areas, but outside the direct control of the fire authority.

The volunteer unit in question does not have the requisite training to attend certain types of incidents. While it has received some training, equipment and funding from the Council in the past, it does not report to and is not under the control of the Council's Fire Section.

As part of my Department's role in supporting and assisting local authorities in delivering fire services, including the setting of national policy and the provision of funding under the fire service capital programme, a programme for the preparation and dissemination of Standard Operating Guidelines (SOGs) covering all aspects of operational activity is in train. These are intended to assist fire authorities to meet their statutory duties, with due cognisance to compliance with health and safety.

### **Departmental Expenditure**

340. **Deputy John McGuinness** asked the Minister for the Environment, Community and Local Government if he will confirm the number of credit cards issued by him and to whom; the criteria for issuing such cards; the credit card company used; if a competitive process was used to select the company; if the facility has had to be withdrawn from any person; and if he will make a statement on the matter. [11555/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** My Department has issued credit cards to the 4 office holders set out below.

*Credit card holder*

Private Secretary to the Minister

Private Secretary to the Minister of State

[Deputy Phil Hogan.]

Principal Officer, ICT Section

Head of Administration and Training Division, Met Éireann

Departmental credit cards are issued for authorised official use only in circumstances where a strong business case has been established. Cards are withdrawn when the business case no longer exists and transferred into the name of the incoming officer, as appropriate, when there is a reassignment of duties.

Credit cards are issued to the private secretaries to the Minister and the Minister of State to facilitate the payment of goods or services which would prove more difficult under normal invoicing arrangements, such as reserving hotel accommodation abroad. In the cases of Met Éireann and ICT, the credit cards are used to facilitate the purchase of ICT hardware and software licenses and for the renewal of subscriptions to work-related publications.

The credit card service (Visa Card) has been provided by Allied Irish Banks for many years. There are no records readily available in my Department to show how this company was selected.

*Question No. 341 answered with Question No. 320.*

### **Departmental Funding**

342. **Deputy Noel Grealish** asked the Minister for the Environment, Community and Local Government when he expects to be in a position to announce grants awarded under the funding scheme to support national organisations in the community and voluntary sector; if he will give an indicative timescale for the announcements; if the delay in making the announcement is due to a cutback on the funding available; and if he will make a statement on the matter. [11620/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Funding Scheme to Support National Organisations which was operated by the Department of Community, Equality and Gaeltacht Affairs expired on 31 December 2010 and a new Funding Scheme was advertised.

On 2 December 2010, organisations funded under this Scheme were offered an extension to their contracts until 31 March 2011. In light of the transfer of the community function to my Department on 1 May, I have decided to roll over the current interim funding until the end of June 2011, in order to allow for a final decision on the assessment process regarding the new Scheme.

Accordingly, the timing of the announcement has been affected by the change of Government in March and the changes in Departmental functions subsequent to the formation of the new Government.

### **Private Residential Tenancies**

343. **Deputy Noel Grealish** asked the Minister for the Environment, Community and Local Government his plans for a deposit retention scheme for private rented properties; if he will agree to meet with national representatives of buy-to-let investors prior to any decision; his views that such a scheme may not be needed in view of the small volume of deposit retention cases dealt with by the Private Residential Tenancies Board; and if he will make a statement on the matter. [11621/11]

**Minister of State at the Department of the Environment; Community and Local Government (Deputy Willie Penrose):** The Residential Tenancies Act 2004 regulates the tenant-landlord

relationship in the private rented residential sector. My Department conducted a review of the Act in 2009 with a specific emphasis on whether the Act best supports the PRTB's key functions and on whether legislative amendments would support either the achievement of additional operational efficiencies by the PRTB in the delivery of those functions or the broader good working of the private rented sector. The outcomes of the review were announced by my predecessor as Minister of State and, in April 2010, the Government approved the preparation of the Heads of a Bill to deliver on the review's recommendations.

The incorrect retention of deposits by landlords was identified in that review process as one of a range of issues that merited specific attention. I am at present evaluating the review recommendations and associated legislative proposals and I intend to submit proposals in that regard to Government in the near future.

I have already met with the PRTB which has engaged in some research as to the viability of a separate deposit retention scheme pursuant to its function, under section 151(1) of the Act, to provide advice to the Minister concerning policy in relation to the private rented sector. On foot of that meeting, I have asked the PRTB to carry out further research on how best to address the issue of deposit retention and this research will further inform my thinking on this matter.

In reviewing the Act, my Department engaged in extensive public consultations in 2009 and received a wide range of submissions including from both individual landlords and representative organisations. As Minister, I welcome submissions regarding the development of policy in this sector and I am certainly willing to meet with representative organisations.

#### **Local Authority Funding**

344. **Deputy Jim Daly** asked the Minister for the Environment, Community and Local Government if the scheme published by Cork County Council in relation to the issuing of home loans to applicants that have been refused by banks for home loans is exclusive to first time buyers only; and if he will make a statement on the matter. [11644/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** Provisions governing mortgage lending by local authorities are set out under the Housing (Local Authority Loans) Regulations 2009 and associated credit policy. To ensure effective targeting of resources, loan finance continues to be available to first time buyers only. Income limits are also in place, distinguishing between single and dual income households and a maximum loan limit is applied. In assessing loan applications local authorities take account of the household's ability to finance the loan based on their net household income.

#### **Planning Issues**

345. **Deputy Patrick O'Donovan** asked the Minister for the Environment, Community and Local Government if he will provide guidance on an issue (details supplied) in relation to planning permission. [11645/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** The decision whether to grant planning permission with or without conditions is a matter for the relevant planning authority and, in the event of an appeal, for An Bord Pleanála, having regard to the provisions of the Planning and Development Acts and associated Regulations and, where relevant, the Habitats Regulations 1997.

I have no role in the matter and under section 30 of the Act, I am precluded from exercising any power or control in any individual case with which a planning authority or the Board may be concerned.

### Local Government Reform

346. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government if he will make changes to the local government system in advance of the 2014 local elections; if so, the changes he will make; and if he will make a statement on the matter. [11655/11]

350. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government his plans to devolve further powers to local government; if so, which powers and responsibilities; the date on which it will occur; and if he will make a statement on the matter. [11689/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 346 and 350 together.

I refer to the reply to Question No. 318 on today's Order Paper.

347. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government his intentions in relation to the establishment of a directly elected mayor for Dublin; and if he will make a statement on the matter. [11656/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Mayor and Regional Authority of Dublin) Bill 2010 lapsed on the dissolution of the last Dáil. I made clear during the debates on the Bill that, while I was not opposed to the principle of a directly elected mayor, I have a number of concerns regarding the particular proposal and its timing. Accordingly, it is not proposed to have this Bill restored, but the matter can be looked at again ahead of the 2014 local elections in the context of a more effective, accountable and modernised local government system.

### Active Citizenship

348. **Deputy Gerry Adams** asked the Minister for the Environment, Community and Local Government the status of the recommendations of the Task Force on Active Citizenship; and if he will make a statement on the matter. [11458/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** Progressing the recommendations of the Taskforce on Active Citizenship is a matter for several Departments as well as my own. I am pleased that a number of the recommendations have been advanced to date, including the following:

Audits of existing community facilities have been completed and appropriate arrangements are being made by local authorities to make the results of the audits available at local level. The main purpose of the audits was to establish the current level of provision so that, in the event of future public funding for community facilities, any applications for such financing support would take account of the results of the audit in terms of identifying needs in specific geographic areas.

The Taskforce recommended the strengthening of local civic participation, which informed the preparation of the Green Paper on Local Government: Stronger Local Democracy — Options for Change. While work was subsequently advanced on a White Paper on Local Government last year, I will be further developing this theme in the context of local government policy development this year.

The Department of Education and Skills has encouraged schools to make their premises available for community use. In addition, a scheme is currently funded under the Dormant

Accounts (Educational Disadvantage Fund) to enable DEIS Band 1 schools in Limerick City to open after school hours to maximise community use of school premises and facilities. All of the DEIS Band 1 schools in Limerick City, a total of 22 schools (16 primary and 6 post primary), are participating in this scheme. There are approximately 200 after-school activities running in all 22 schools.

At second level senior cycle, the NCCA (National Council for Curriculum Assessment) is developing a syllabus for a full optional exam subject called 'Politics and Society' as an extension of the current Civic, Social and Political Education (CSPE) subject in Junior Cycle, which currently gives students practical experience of active citizenship.

In relation to the adult education sector, the range of Further and Adult Education programmes are geared towards enabling participants to contribute more fully to the social, cultural and economic life of this country, through education and information courses.

Active Citizenship was a key theme of the Social Inclusion Week arranged by local authorities late in 2010 as part of the Irish National Programme of activities supporting the EU Year for Combating Poverty and Social Exclusion 2010.

My Department is playing a full and active role in promoting the European Year of Volunteering 2011, in conjunction with the national coordinating body for the Year, Volunteering Ireland. Central to the Year is the whole concept of Active Citizenship, of which volunteering is just one part.

### **Proposed Legislation**

349. **Deputy Thomas Pringle** asked the Minister for the Environment, Community and Local Government the status of the Mobile Phone Radiation Warning Bill 2010; his plans to progress same; and if he will make a statement on the matter. [11682/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Mobile Phone Radiation Warning Bill 2010 to which the Deputy Question refers was a Private Members Bill introduced in Seanad Éireann and did not proceed beyond that stage. I have no plans at present to bring forward legislation in this regard.

An Expert Group Report on the health effects of electromagnetic fields, including those generated by mobile phones, was commissioned by the Government and published in March 2007. This Report, entitled "Health Effects of Electromagnetic Fields", is available for download on my Department's website ([www.environ.ie](http://www.environ.ie)). The Expert Group reported that the majority scientific opinion to date is that no adverse short or long term effects have been demonstrated from exposure to electromagnetic fields at levels below the limits recommended by the International Commission on Non-Ionising Radiation Protection (ICNIRP). However, a minority group of scientists believe otherwise and extensive international research on the issue continues to be coordinated through bodies such as the World Health Organisation. My Department monitors this research and key developments therein will inform any consideration of possible future policy interventions in this area.

*Question No. 350 answered with Question No. 346.*

### **Local Authority Funding**

351. **Deputy Joan Collins** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the fact that the former Minister of State at the Department of the Environment, Heritage and Local Government approved funding of €2 million in respect of proposals for the regeneration of the eastern quadrant of Sligo; if he will



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indicate the townlands and or district electoral divisions that make up what is described as the eastern quadrant of Sligo; the location at which a map of the eastern quadrant of Sligo is available for inspection; and if he will make a statement on the matter. [11695/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** I refer to the reply to Question No 248 of 10 May, 2011 which sets out the position in relation to funding for regeneration in Sligo.

It will be a matter for Sligo Borough Council, in the context of the development of a masterplan for the regeneration project, to determine the areas to be included for regeneration.

### Water and Sewerage Schemes

352. **Deputy Paudie Coffey** asked the Minister for the Environment, Community and Local Government the details of the European Court of Justice ruling against Ireland in respect of ground water with particular reference to septic tanks; and if he will make a statement on the matter. [11696/11]

354. **Deputy Michael Creed** asked the Minister for the Environment, Community and Local Government if he will provide some background information regarding the *raison d'être* for the Water Services Bill, the EU Court Rulings on this matter; and if he will make a statement on the matter. [11706/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I propose to take Questions Nos. 352 and 354 together.

In October 2009, the European Court of Justice ruled that Ireland failed to adopt the necessary legislation to comply with Articles 4 and 8 of Council Directive 75/442/EEC, known as the Waste Directive, regarding domestic waste waters disposed of in the countryside through septic tanks and other individual waste water treatment systems.

The Court has found that Irish legislation does not adequately provide for domestic waste water from septic tanks to be recovered or disposed of without endangering human health and without using processes which could harm the environment. It has also found that Irish legislation fails to provide for the prohibition of the uncontrolled disposal of such waste waters, a requirement of the Waste Directive, and does not adequately ensure that holders of such waste waters manage, recover or dispose of the waste waters in accordance with the provisions of the Directive.

The Government recently approved the urgent drafting of a Bill to provide for the establishment of a new system for the inspection and monitoring of the performance of all septic tanks and other on-site waste water treatment systems. The Bill will also include a requirement that treatment systems be maintained and de-sludged in accordance with manufacturers' instructions. The Bill will be published as soon as possible and my intention will be to pursue its early enactment.

### Social and Affordable Housing

353. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government if he will change or modify the claw back arrangements for those who purchased an affordable home; and if he will make a statement on the matter. [11704/11]

**Minister of State at the Department of the Environment, Community and Local Government (Deputy Willie Penrose):** Importantly, where the clawback amount payable on the resale of

affordable housing would reduce the proceeds of re-sale below the initial price paid, legislation provides for the amount of clawback payable to be reduced to the extent necessary to avoid that result. I do not therefore intend to introduce changes to the clawback provision.

*Question No. 354 answered with Question No. 352.*

### **Household Utility Charge**

355. **Deputy Jerry Buttimer** asked the Minister for the Environment, Community and Local Government if he has made any decision on the scheme to implement a new household charge in line with the EU-IMF; and if he will make a statement on the matter. [11715/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** I refer to the reply to Question No. 32 on today's order paper.

### **Sustainable Development**

356. **Deputy Jerry Buttimer** asked the Minister for the Environment, Community and Local Government if he will report on the recent meeting of the UN in respect of the Commission of Sustainable Development; and if he will make a statement on the matter. [11716/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Commission on Sustainable Development (CSD) is responsible for reviewing progress in the implementation of Agenda 21 and the Rio Declaration on Environment and Development as well as providing policy guidance to follow up the Johannesburg Plan of Implementation (JPOI) at the local, national, regional and international levels. The JPOI reaffirmed that the CSD is the high-level forum for sustainable development within the United Nations system.

The 19th Session of the CSD took place in New York from 2 May to 13 May 2011. The High Level Segment of the meeting, which I attended, took place over the last three days of the Session. The themes for discussion during CSD 19 were Sustainable Consumption and Production, Waste Management, Chemicals, Transport and Mining. Unfortunately, the 19th Session did not reach an agreed outcome concerning policy recommendations on the cluster of themes concerned and was therefore adjourned. Further details on the negotiations and outcomes of the meeting are available at <http://www.un.org/esa/dsd/csd/csd—csd19.shtml>

I addressed the Commission during the opening of the High Level Segment in the UN General Assembly Hall on the themes of CSD 19. I also co-chaired a Ministerial level roundtable discussion on Sustainable Urban and Rural Transport and contributed to roundtable discussions on Sustainable Consumption and Production and Waste Management and Chemicals. In addition, I attended a *Ministerial dialogue on moving towards sustainable development: expectations for Rio+20* (the United Nations Conference on Sustainable Development), which was addressed by the Secretary General of the United Nations. I also met representatives of children and youth organisations attending CSD.

In addition to participating at the 19th Session, I also signed, on behalf of Ireland, the Nagoya Kuala Lumpur Protocol on Biosafety which provides international rules and procedure on liability and redress for damage to biodiversity resulting from genetically modified organisms. This is a supplementary protocol to the Cartagena Protocol on Biosafety and was adopted by the Meeting of the Parties to the Cartagena Protocol in October 2010. The Cartagena Protocol seeks to protect biodiversity from the potential risks arising from the trans-boundary movement of any genetically modified organisms that results from modern biotechnology and that may have an adverse effect on the conservation and sustainable use of biological diversity.

### Local Government Charges

357. **Deputy Jim Daly** asked the Minister for the Environment, Community and Local Government the liability of a limited company by private shares in respect of the non-principal private residence tax levy for persons with a second home when the said company is the owner of multiple units, the owners of the company have no principal private residence and there are multiple shareholders of the limited company; if tax is due, is it due from the company or the individual share holders; and if he will make a statement on the matter. [11778/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Local Government (Charges) Act, 2009, which sets out the detail of the €200 charge on non-principal private residences, is structured with a starting position of a universal liability for residential property in respect of the charge. The Act exempts certain buildings and individuals from this liability, the most important exemption being where a property is occupied by an owner as his or her sole or main residence on the liability date.

The exemptions in the Act applying to owners apply specifically to owners as individuals and are not applicable to companies. Any residential property owned by a company is liable for the charge unless the building concerned is exempt under section 2 of the Act.

### Commercial Rates

358. **Deputy Ann Phelan** asked the Minister for the Environment, Community and Local Government if his attention has been drawn to the serious commercial difficulty for traders in a town in County Kilkenny arising from the lack of action to eliminate the flood risk to their town, the scale of which is identified in an Office of Public Works-Kilkenny County Council Flood Risk Management Study in 2010, from which they believe their circumstances warrants relief from commercial rates; and if he will make a statement on the matter. [11812/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):** The Office of Public Works is the lead Government agency for implementing the National Flood Policy in matters of flood risk and mitigation.

Local authorities are under a statutory obligation to levy rates on any property used for commercial purposes in accordance with the details entered in the valuation lists prepared by the independent Commissioner of Valuation under the Valuation Act 2001. The Annual Rate on Valuation (ARV), which is applied to the valuation of each property to obtain the amount payable in rates, is decided by the elected members of each local authority in the annual budget and its determination is a reserved function of a local authority.

The levying and collection of rates are matters for each individual local authority. However, my Department has urged local authorities to exercise restraint in setting the Annual Rate on Valuation (ARV) in this and previous years. Local authorities have responded positively to these requests. Across the 88 local authorities, annual rates on valuation declined by an average of 0.64% from 2010 to 2011.

I continue to keep all matters relating to commercial rates under regular review.

### Water Services

359. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government when it is proposed to select the projects that will be allocated funding under the water services investment programme for 2011 and 2012; and if he will make a statement on the matter. [11850/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**

The Water Services Investment Programme is a multi-annual investment plan for the provision of major water and sewerage schemes. The Water Services Investment Programme 2010-2012 is the current such plan. The programme includes details of the contracts to commence over the period 2010 to 2012, as well as schemes to advance through planning in this period. A copy of the Programme is available in the Oireachtas library.

My Department is currently undertaking an annual review of the Programme. There are two components to this review: a review of progress of all schemes and contracts currently in the Programme, and following that a consideration of the need for any reprioritisation of contracts and schemes, including addressing issues which have emerged since the Programme was published which require an urgent response. The current scale of the published Programme was set in the context of likely available financial resources over the medium term. In light of this, and the short time which has passed since the extensive review undertaken in the development of the Programme, there is only scope for, and should only be a need for, minor adjustments to the Programme at this stage.

**Water and Sewerage Schemes**

360. **Deputy Catherine Murphy** asked the Minister for the Environment, Community and Local Government if, considering that the well at a location (details supplied) in County Kildare has been kept live since its withdrawal from public service and will therefore cost considerably less money to connect to the houses in its catchment; and in view of the fact that the original matters that caused its removal from service have now been resolved, it will be considered for inclusion in the water services investment programme; and if he will make a statement on the matter. [11857/11]

**Minister for the Environment, Community and Local Government (Deputy Phil Hogan):**

There is no water supply infrastructural proposal for Kildare County Council in my Department's Water Services Investment Programme 2010-2012 that would facilitate the Ballyna Group Water Scheme. However, under the first annual review of the Programme currently underway, Kildare County Council has submitted a number of applications to my Department to have new proposals included in the Programme. I understand that one such application might provide part of the infrastructure to serve Ballyna. The council's application will be examined, together with applications made by other water services authorities under the review mechanism, and a decision will be made in the near future.

**Citizenship Applications**

361. **Deputy Pearse Doherty** asked the Minister for Justice and Equality if a person (details supplied) in County Donegal has an application for naturalisation currently with his Department; the status of this application and the time frame for processing of same. [11169/11]

**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 September, 2002. The applicant informed the Department, by letter dated 18th April, 2005, that she wished to withdraw her application. My Officials inform me that there is no record of any further application for a certificate of naturalisation from the person concerned.

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

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cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Garda Vetting of Personnel**

362. **Deputy Terence Flanagan** asked the Minister for Justice and Equality the position regarding Garda clearance checks in respect of a person (details supplied) in Dublin 13; and if he will make a statement on the matter. [11190/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda authorities that the Garda Central Vetting Unit (GCVU) has no application for vetting on hand in respect of the person to whom the Deputy refers. In the circumstances I can only suggest that the person contacts the registered organisation involved.

### **Deportation Orders**

363. **Deputy Sandra McLellan** asked the Minister for Justice and Equality the number of deportation orders signed by him on Tuesday 8 March 2011; and the amount of time he afforded each of his deportation decisions. [11214/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** No deportation orders were signed by me on the day in question as I was not appointed as Minister for Justice and Equality until 9 March 2011.

### **Refugee Status**

364. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will give due consideration to the application for residency in the case of a person (details supplied) in County Wicklow who is anxious to work and complete their education; and if he will make a statement on the matter. [11224/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned made an application for refugee status in the State on 18 August 2003. The application was refused on 9 February 2005 and Judicial Review proceedings were lodged challenging this decision. The person concerned subsequently made a second application for refugee status on 15 February 2006 which was refused at first instance and on appeal to the Refugee Appeals Tribunal. The decision to refuse by the Refugee Appeals Tribunal was made on 23 April 2009.

The previous Minister for Justice, Equality and Law Reform informed the person concerned that it was proposed to make a Deportation Order in his case and they were invited to make representations as to why a Deportation Order should not issue. The person in question was also invited to make an application for Subsidiary Protection in the State. Having considered the representations made and the application for Subsidiary Protection the Minister signed a Deportation Order on 3 June 2010. Judicial Review proceedings were subsequently lodged in the High Court challenging the Deportation Order and accordingly, as the matter is *sub judice*, I do not propose to comment further.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### Asylum Applications

365. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current and or residency status in the case of persons (details supplied) in County Laois; and if he will make a statement on the matter. [11225/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The two persons concerned are the subject of Deportation Orders, signed on 2 December, 2005, following a comprehensive and thorough examination of their asylum claims, and a detailed examination of the representations they had submitted for consideration under Section 3 of the Immigration Act 1999 (as amended). The effect of the Deportation Orders are that the persons concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Orders is an operational matter for the Garda National Immigration Bureau.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### Residency Permits

366. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or likely residency status in the case of a person (details supplied) in Dublin 7 in view of the fact that they are the parent of an Irish born child in the wake of EU Court decision; and if he will make a statement on the matter. [11226/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** From the information provided by the Deputy, it is being assumed that the person concerned is seeking to establish as to whether the recent European Court of Justice Judgment in the Zambrano case might impact on his case. The position is that any person who wishes to have their position in the State examined in accordance with the principles of the Zambrano Judgement must submit the following documentation to the INIS Repatriation Division, Department of Justice and Equality, 13-14 Burgh Quay, Dublin 2.

- (a) A colour copy of the bio-data page of the Irish citizen child's passport,
- (b) The Irish citizen child's original Birth certificate — a copy is not acceptable,
- (c) A colour copy of the bio-data page of the applicant's own passport,
- (d) Two colour passport sized photographs, signed on the back by the applicant,
- (e) Documentary evidence that the Irish citizen child is living in the State,
- (f) Proof of the applicant's address and residence in Ireland (e.g. current utility bills etc.),
- (g) Documentary evidence of the role the applicant is playing in his/her child's life (e.g. letters from schools, crèches etc.) and
- (h) Any other information that the applicant considers relevant to his/her case.

In addition, an applicant must provide answers to the following questions:

- (i) Has he/she ever been convicted of a criminal offence in the State or abroad? If so, he/she must provide specific details.

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(ii) Are there any charges pending against him/her in the State or aboard? If so, he/she must provide details.

(iii) Are there any Court Orders against him/her in relation to Family Law matters e.g. a Barring Order, a Care Order, a Protection Order, a Safety Order etc?

The Deputy might wish to note that a representative of my Department wrote to the legal representative of the person concerned on 11th May, 2011 to advise of the documentation that must be submitted before his case could be considered further.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Citizenship Applications**

367. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when a response is likely in respect of an application for citizenship in the case of a person (details supplied) in Dublin 24 who has supplied all further documentation requested; and if he will make a statement on the matter. [11227/11]

**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 September, 2008. The application is at an advanced stage of processing and will be finalised as expeditiously as possible.

As I outlined in response to Parliamentary Question Number 69 of 7th April last, I can inform the Deputy that I have initiated steps within my Department to provide for speedier processing of applications to bring about a substantial reduction in the processing timescale. The new arrangements will be publicly announced once my Department is in a position to implement them. The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Residency Permits**

368. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when updated stamp 4 will issue in the case of a person (details supplied) in County Meath; if he will give guidance as to the procedures to be followed; and if he will make a statement on the matter. [11228/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned was granted permission to remain in the State for the period to 20th March, 2011. This decision was conveyed in writing to the person concerned by letter dated 20th March, 2008. The person con-

cerned is required to apply in writing for the renewal of this permission. As my Department's records show no evidence of such a renewal application having been made to date, it is recommended that the person concerned should do so without further delay.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

369. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when stamp 4 will be updated in the case of a person (details supplied) in Dublin 22; and if he will make a statement on the matter. [11229/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned has had his permission to remain in the State renewed for a further one year period, to 4th January, 2012. This decision was conveyed in writing to the person concerned by letter dated 2nd March, 2011.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

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370. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position in respect of residency entitlement in the case of a person (details supplied) in Dublin 15; if he will review the case; and if he will make a statement on the matter. [11230/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned is the subject of a Deportation Order, signed on 2 December, 2005, following a comprehensive and thorough examination of his asylum claim, and a detailed examination of the representations he submitted for consideration under Section 3 of the Immigration Act 1999 (as amended). The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order is an operational matter for the Garda National Immigration Bureau.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

371. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when a decision in respect of residency will issue in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [11231/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned is the subject of a Deportation Order, signed on 9 July 2008, following a comprehensive and thorough examination of her asylum claim, and a detailed examination of the representations she submitted for consideration under Section 3 of the Immigration Act 1999 (as amended). The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter



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out of the State. The enforcement of the Deportation Order is an operational matter for the Garda National Immigration Bureau.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

372. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the extent to which due process has to date taken place in the determination of entitlement to residency nationalisation in respect of a person (details supplied) in County Westmeath; if he will review the case at an early date; and if he will make a statement on the matter. [11232/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Arising from the refusal of her asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 29th December, 2005, that the Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against her. Representations have been received on behalf of the person concerned.

The position in the State of the person concerned will now be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Residency Permits**

373. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if he will set out the procedure to date in the determination of residency status in the case of a person (details supplied) in County Kildare; the current or expected status in their case; and if he will make a statement on the matter. [11233/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to the reply to Parliamentary Question Number 541 of 12 January 2011. I am informed that on 15 February 2011, the permission of the person concerned was renewed by her local Immigration Office and is currently valid up to 5 October 2013.

I should remind the Deputy that queries in relation to the status of individual Immigration/Asylum cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process

374. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position regarding the family reunification issue in the case of the spouse of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [11234/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I wish to inform the Deputy that the person concerned was granted permission to remain in the State for two years in 2005, under the revised arrangements for the non-EEA parents of children born in Ireland prior to 1 January, 2005, known as the IBC/05 Scheme. The permission to remain was renewed for a further three years in 2007 and is currently valid to 6 April 2013.

I have been informed that the spouse of the person concerned (who was not named as such on her initial asylum application), entered the State on several occasions having been granted 90 day visitors visas. However, after the expiry of the last visa in 2007, he remained illegally in the State until 4 May 2010, when he was deported having had a deportation order made against him following a detailed examination of his case. As the Deputy is aware, the granting of permission to remain under the IBC/05 Scheme, does not confer any entitlement or legitimate expectation on any other person, whether related to the person granted permission or not, to enter the State. All applicants to the Scheme signed an undertaking to this effect both in 2005 and on renewal in 2007 and in the circumstances I do not propose to revoke the deportation order made in this case.

I should remind the Deputy that queries in relation to the status of individual Immigration/Asylum cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### Asylum Applications

375. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when the process in respect of residency will be concluded in the case of a person (details supplied) in County Monaghan; and if he will make a statement on the matter. [11235/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned is the subject of a Deportation Order, signed on 24 November, 2010, following a comprehensive and thorough examination of her asylum claim, and a detailed examination of the representations she submitted for consideration under Section 3 of the Immigration Act 1999 (as amended). The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order is an operational matter for the Garda National Immigration Bureau.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

376. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position regarding residency in the case of a person (details supplied) in County Cork, who was imprisoned in 2007 and has been issued with an order to deport; and if he will make a statement on the matter. [11236/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned is the subject of a Deportation Order, signed on 5 July 2006, following a comprehensive and thorough examination of her asylum claim, and a detailed examination of the representations she submitted for consideration under Section 3 of the Immigration Act 1999 (as amended). Following further consideration of her case the Deportation Order was affirmed on 11 June 2009. The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order is an operational matter for the Garda National Immigration Bureau.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

377. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected residency status in the case of a person (details supplied) in Dublin 8; and if he will make a statement on the matter. [11237/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned is the subject of a Deportation Order, signed on 5 February 2009, following a comprehensive and thorough examination of her asylum claim, and a detailed examination of the representations she submitted for consideration under Section 3 of the Immigration Act 1999 (as amended). However her file is currently being examined to establish as to whether the recent European Court of Justice Judgment in the Zambrano case might impact on her case. When this examination of her case is complete we will contact the person concerned as to the outcome and consequence of same.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

378. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if and when a decision in respect of residency is likely to issue in the case of persons (details supplied); and if he will make a statement on the matter. [11238/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The asylum applications made by the first, second and third persons concerned were refused and, in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), they were notified, by letters dated 26th August, 2010, 10th September, 2008 and 28th July, 2010 respectively, that the Minister proposed to make Deportation Orders in respect of each of them. They were each given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against them. In addition, they were notified of their respective entitlements to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The persons concerned submitted individual applications for Subsidiary Protection. When consideration of these applications has been completed, the persons concerned will be notified in writing of the outcomes.

In the event that the applications for Subsidiary Protection are refused, the position in the State of the persons concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the files are passed to me for decision. Once decisions have been made, these decisions and the consequences of the decisions will be conveyed in writing to the persons concerned.

An asylum application was lodged by the fourth person concerned on 1st September, 2010. This asylum application is the subject of Judicial Review Proceedings in the High Court and, as such, it would not be appropriate for me to make any further comment on that case at this time.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

**379. Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when a decision in respect of residency will issue in the case of a person (details supplied) in Dublin 1; and if he will make a statement on the matter. [11239/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Arising from the refusal of her asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 11th May, 2009, that the Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against her. In addition, she was notified of her entitlement to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Residency Permits**

**380. Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the sequence of events to date in the assessment of application for residency or family reunification in the case

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of a person (details supplied) in Dublin 15 who resided here for 11 years; and if he will make a statement on the matter. [11240/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am making detailed enquiries into the background history of this case and I hope to be in a position to write to the Deputy shortly with an update.

### Asylum Applications

381. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the residency status currently or expected in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [11241/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned is the subject of a Deportation Order, signed on 13 January 2011, following a comprehensive and thorough examination of her asylum claim, and a detailed examination of the representations she submitted for consideration under Section 3 of the Immigration Act 1999 (as amended). The effect of the Deportation Order is that the person concerned must leave the State and remain thereafter out of the State. The enforcement of the Deportation Order is an operational matter for the Garda National Immigration Bureau.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

382. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality when a decision will issue in the matter of residency in the case of a person (details supplied) in Dublin 7; and if he will make a statement on the matter. [11242/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person referred to by the Deputy applied for asylum on 15/12/10. The claim was assessed by the Refugee Applications Commissioner who concluded that the person concerned did not meet the criteria for recognition as a refugee. The Commissioner's recommendation was communicated to her by letter dated 01/3/2011. This communication advised the person of her entitlement to appeal the Commissioner's recommendation to the Refugee Appeals Tribunal, which she duly did.

The Refugee Appeals Tribunal considered the person's appeal, following which the Tribunal affirmed the Commissioner's earlier recommendation to reject her claim. The outcome of the appeal was made known to the applicant by letter dated 19/4/2011.

In accordance with normal procedures, the applicant's file has been forwarded to my Department's Ministerial Decisions Unit for final processing of the Asylum claim. A letter will issue to her shortly, formally advising that her asylum claim had been rejected and affording her three options as follows:

1. Return home voluntarily,
2. Consent to the making of a deportation order, or
3. Make written representations to me within 15 working days under Section 3 of the Immigration Act, 1999 and/or make an application for Subsidiary Protection under the European Communities (Eligibility for Protection) Regulations 2006 (SI No. 518 of 2006).

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made directly to the Irish Naturalisation and Immigration Service 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.

383. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality if and when a decision will issue in respect of residency or citizenship in the case of a person (details supplied) in County Dublin; and if he will make a statement on the matter. [11243/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 16th March, 2005, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him.

On 2nd August, 2006, a formal “take back” request was received from the United Kingdom in respect of the person concerned in accordance with Article 16(1)(e) of Council Regulation (EC) 343 of 2003. This request was made because the person concerned had made an application for asylum in the United Kingdom. This request was accepted by Ireland and arrangements were made for his return from the United Kingdom to Ireland on 14th August, 2006.

The position in the State of the person concerned will now be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned. The new address submitted with the Deputy’s Question has been noted on my Department’s records.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

384. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current, likely or proposed residency status in the case of a person (details supplied) in County Galway; and if he will make a statement on the matter. [11244/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Arising from the refusal of her asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 13th May, 2009, that the Minister proposed to make a Deportation Order in respect of her. She was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against her. In addition, she was notified of her entitlement to apply for Subsidiary Protection in accordance with the European Communities (Eligibility for Protection) Regulations 2006.

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The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Residency Permits**

385. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current and or expected position in respect of residency in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [11245/11]

387. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the current or expected residency in the case of a person (details supplied) in Dublin 15; and if he will make a statement on the matter. [11247/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I propose to take Questions Nos. 385 and 387 together.

The person concerned entered the State on a C-Visit Visa on 18th September, 2008 and was granted permission to remain in the State until 19th October, 2008. The daughter of the person concerned wrote to the Immigration Division of my Department on 7th October, 2008 seeking, on behalf of her father, an extension of his permission to remain in the State. Following consideration of this request, my Department decided that her father's circumstances did not warrant an extension of his C-Visit Visa period and this position was conveyed in writing to the daughter of the person concerned by letter dated 12th January, 2009.

Subsequently, in accordance with Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 18th February, 2009, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why he should not have a Deportation Order made against him.

The position in the State of the person concerned will now be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been

specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

386. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the procedure followed to date in the determination of residency status in the case of a person (details supplied) in County Kildare; if update of status will be provided in respect of stamp 4; and if he will make a statement on the matter. [11246/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned has, through her legal representative, applied for the renewal of her temporary permission to remain in the State which expired on 9th January, 2011. This application is currently under consideration in my Department. When a decision has been made on this application, the person concerned will be notified in writing of the decision and of the consequences of the decision.

*Question No. 387 answered with Question No. 385.*

### Legislative Provisions

388. **Deputy Michael Healy-Rae** asked the Minister for Justice and Equality his views on a matter (details supplied) regarding Statutory Instrument No. 336 of 2008; and if he will make a statement on the matter. [11296/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Immigration Act, 2004 (Registration Certificate Fee) Regulations 2008, S.I. 336 of 2008, sets out the fee payable for obtaining a certificate of registration under the Immigration Act, 2004 and the categories of persons for whom no fee is applicable. The fee charged and the categories of persons for whom no fee is applicable are being reviewed at the present time in the context of the enactment of the Civil Partnership and Certain Rights of Cohabitants Act, No. 24 of 2010. I have noted the matter raised in the Deputy's question.

### Departmental Agencies

389. **Deputy Dominic Hannigan** asked the Minister for Justice and Equality the number of State agencies or organisations under his remit that are paid-up members of the Irish Business and Employers Confederation; the name of each agency or organisation; the amount each State agency or organisation paid to the Irish Business and Employers Confederation for the years 2007 to 2010, inclusive, and to date in 2011; and if he will make a statement on the matter. [11326/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I can inform the Deputy that no State Agencies or organisations within my Department's remit are currently paid up members of the Irish Business and Employers Confederation (IBEC).

While the National Disability Authority (NDA) was a member of IBEC, membership was terminated with effect from 2010. The following amounts were paid by the NDA to IBEC for the years 2007-2009:

January 2007 — €1,505.93;

January 2008 — €1,719.00;

January 2009 — €1,642.60.



### **Rights of People with Disabilities**

390. **Deputy Finian McGrath** asked the Minister for Justice and Equality the position regarding an alleged breach of the Disability Act in respect of a person (details supplied). [11370/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Deputy will appreciate that interpretation of the law in relation to a particular subject matter is not a function of mine in relation to a Parliamentary Question. However, the Deputy may be interested to learn that the obligation to make buildings accessible as set out in the Disability Act 2005 refers only to public bodies. The premises which are referred to in this instance do not therefore come under the scope of this legislation.

### **Visa Applications**

391. **Deputy John O'Mahony** asked the Minister for Justice and Equality further to Parliamentary Question No. 218 of 19 April 2011, if he will expedite a decision in relation to the application from a Syrian resident in view of the current political turmoil in their native Syria; and if he will make a statement on the matter. [11388/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am pleased to inform the Deputy that the visa application referred to was approved on the 12 May 2011.

### **Residency Permits**

392. **Deputy Jack Wall** asked the Minister for Justice and Equality if a person (details supplied) in County Kildare may seek employment in view of their family's circumstances; and if he will make a statement on the matter. [11414/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to my detailed reply (set out beneath) to his earlier Parliamentary Question, No. 73 of Thursday, 31st March, 2011, in this matter. The position is unchanged since then. However, the Deputy might wish to note that a representative of my Department's Repatriation Division wrote to the person concerned on 6th May, 2011 to advise him of the documentation and information which must be submitted in support of any case to remain in the State in accordance with the principles set out in the recent Zambrano Judgment.

*The person concerned was granted permission to remain in the State on 17th September, 2001, for an initial twelve month period, on the basis of his parentage of an Irish citizen child. This permission was renewed on a number of occasions, most recently to 17th September, 2009.*

*Arising from the conviction of the person concerned in the United Kingdom, for an immigration related offence, which resulted in a custodial sentence being handed down in that jurisdiction, allied to the fact that he was no longer living as part of a family unit with his Irish citizen child, the person concerned was notified, by letter dated 28th October, 2009, that, in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him. Representations have been received on behalf of the person concerned.*

*The position in the State of the person concerned will now be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submit-*

*ted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.*

*In advance of a final decision being made, the case of the person concerned will be examined to determine what, if any, impact the recent European Court of Justice Judgment in the Belgian Zambrano case may have on his case.*

*I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.*

### **Prison Building Programme**

393. **Deputy Alan Farrell** asked the Minister for Justice and Equality the position regarding the proposed prison complex at Thornton Hall in north county Dublin; and if he will make a statement on the matter. [11416/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** In line with the commitment in the Government Programme for National Recovery, I recently announced the establishment of a committee to review the Thornton Hall Prison Project. The full terms of reference for the committee are available on my Department's website at [www.justice.ie](http://www.justice.ie).

The committee has been asked to examine the need for new prison accommodation that meets required standards and to advise by 1 July 2011 whether work on the site at Thornton should proceed. Their terms of reference also requires them to look at alternatives to custody. The review will be expeditious and cost effective, and it is my intention to publish the report when completed.

### **Garda Vetting of Personnel**

394. **Deputy Jack Wall** asked the Minister for Justice and Equality the position regarding a Garda vetting application in respect of a person (details supplied) in County Kildare; and if he will make a statement on the matter. [11422/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am informed by the Garda Central Vetting Unit that it is not possible to check the status of the application referred to in the question in the absence of a date of birth. If the Deputy will provide the additional information, I will have further enquiries made in the matter.

### **Juvenile Offenders**

395. **Deputy Nicky McFadden** asked the Minister for Justice and Equality the legal position on parents' responsibility for minors who engage in anti-social behaviour; and his views on the apparent existence of a loophole that clears parents of such responsibility. [11424/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Children Act 2001, as amended, provides for civil proceedings to tackle anti-social behaviour by children. These provisions set out an incremental procedure for An Garda Síochána to address anti-social behaviour by children using a behaviour warning, followed by a good-behaviour contract, followed, where appropriate, by a behaviour order. The scheme is essentially part of the process to divert children from the formal criminal justice system and the intention was that behaviour warnings

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or good-behaviour contracts would themselves address the problem behaviour. In the event that they fail, the next stage is to consider the admission of the child to the Garda Diversion Programme which can involve supervision by a Garda Juvenile Liaison Officer. If admission to the Diversion Programme is not considered appropriate, a behaviour order may be applied for in the courts or, if criminal offences are involved, prosecution is a further option.

Parents or guardians are brought into this process by An Garda Síochána at all stages. It was never the intention that legal sanctions would be applied as part of a diversion process so the question of a loophole does not arise. In the event that the process results in the successful prosecution of a child, it is then open to the courts to apply various sanctions on parents or guardians as set out in Section 98 of the Children Act, as amended.

The Programme for Government makes clear the determination of this Government to tackle anti-social behaviour and the plague of low level crime that is so destructive of community life. The Programme includes a number of significant commitments which will impact on youth crime and on anti-social behaviour.

The Government will—

- ensure that highly trained Gardaí are freed from administrative duties to concentrate on crime prevention and detection.
- build on the existing community policing partnerships and forums to enhance trust between local communities and their Gardaí.
- attach a higher priority to community policing in order to deliver higher Garda visibility, within available resources, in the neighbourhoods worst affected, and in particular;
- give a special emphasis to alternative programmes for young offenders through extensions to the Juvenile Liaison Officer Scheme and the Diversion Programme, and
- examine outcomes-based contracts with community organisations to help reduce re-offending by young people.

I will be considering the implementation of these measures in consultation with the Garda Commissioner and with my colleague the Minister for Children and Youth Affairs.

### **Garda Vetting of Personnel**

396. **Deputy Anne Ferris** asked the Minister for Justice and Equality if his attention has been drawn to the fact that organisations are experiencing long delays in having prospective employees and volunteers cleared by the Garda vetting unit; if he will examine the system whereby an individual will be able to apply for personal Garda vetting which could be brought from place to place and could be limited to a number of years as is the practice in the UK and Northern Ireland; and if he will make a statement on the matter. [11491/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I do have concerns at the length of time currently being taken to process vetting applications. I recognise that it is important to process these applications within a reasonable time frame both for the benefit of the applicants and the organisations involved.

I am informed by the Garda authorities that at present there are a total of five Gardaí, 76 full-time Garda civilian personnel and ten temporary civilian personnel assigned to the Garda Central Vetting Unit (GCVU). This represents a very significant increase in the level of person-

nel assigned to the unit, which stood at only 13 before the current process of development in Garda vetting began in 2005.

A number of immediate measures are being taken to improve the situation. The sanction of the Department of Finance has been obtained to retain the services of ten temporary employees in the GCVU. A further sanction has been obtained to engage an additional ten temporary employees for the Unit and these are now being recruited. This should have an impact on processing times. In addition, further steps are under consideration with a view to alleviating the pressure on the staff of the GCVU and to reduce the time taken for the processing of applications. I am informed by the Garda Authorities that, at present, the average processing time for vetting applications received at the GCVU is approximately 10 weeks.

The average processing time for vetting applications fluctuates in line with periods of increased demand. In processing an individual vetting application, additional time may be required in cases where clarification is needed as to the details provided or where other enquiries need to be made, for example, when the person in question has lived and worked abroad. There will always be a reasonably significant time period required to process a vetting application. Registered organisations have been advised to take account of this in their recruitment and selection process. However, the Gardaí make every effort to reduce the time to the minimum possible consistent with carrying out what are very necessary checks.

The vetting service has been expanded greatly in recent years as part of an ongoing, phased programme to roll-out vetting to an increasing number of organisations in the child and vulnerable adult care sectors. This target group is the clear policy priority. Under the current arrangements applications are made to the GCVU by organisations which are registered with the Gardaí for vetting purposes. In response to these applications, which can only be made with the consent of the vetting subject, the Gardaí will release the factual information available to them on convictions and prosecutions, whether successful or unsuccessful, completed or pending. This information is returned to the registered organisation.

Garda vetting certificates are issued to specified registered organisations in respect of a particular post or employment in response to a written request and with the permission of the person who is the subject of that request. Decisions on the suitability for the recruitment/engagement of the person concerned rest at all times with the recruiting organisation.

The Garda Vetting certificate is non-transferable. It is important to emphasise that it is a disclosure to the requesting, registered organisation of the position in respect of a person at the time when it is issued. Furthermore, non-transferability protects against the risk of fraud or forgery of such certificates and is a guarantee of the integrity of the vetting system.

### **Asylum Applications**

397. **Deputy Bernard J. Durkan** asked the Minister for Justice and Equality the position regarding the residency status in the case of a person (details supplied) in County Cork; and if he will make a statement on the matter. [11546/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Arising from the refusal of his asylum application, and in accordance with the provisions of Section 3 of the Immigration Act 1999 (as amended), the person concerned was notified, by letter dated 30th September, 2005, that the Minister proposed to make a Deportation Order in respect of him. He was given the options, to be exercised within 15 working days, of leaving the State voluntarily, of consenting to the making of a Deportation Order or of making representations to the Minister setting out the reasons why a Deportation Order should not be made against him.

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The person concerned was subsequently notified of his entitlement to submit an application for Subsidiary Protection in accordance with the provisions of the European Communities (Eligibility for Protection) Regulations 2006. The person concerned submitted an application for Subsidiary Protection. When consideration of this application has been completed, the person concerned will be notified in writing of the outcome.

In the event that the application for Subsidiary Protection is refused, the position in the State of the person concerned will then be decided by reference to the provisions of Section 3(6) of the Immigration Act 1999 (as amended) and Section 5 of the Refugee Act 1996 (as amended) on the prohibition of refoulement. All representations submitted will be considered before the file is passed to me for decision. Once a decision has been made, this decision and the consequences of the decision will be conveyed in writing to the person concerned.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Court Procedures**

398. **Deputy John McGuinness** asked the Minister for Justice and Equality his proposals to accept payment of fines handed down by the courts in instalments or some other easy payment system to be applied to those who have no means and simply cannot pay in full or in one payment; the value of the fines outstanding and not paid to the State; and if he will make a statement on the matter. [11548/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Fines Act 2010, which is being commenced on a phased basis, includes provision for the payment of fines in excess of €100 by instalment. Section 15, when commenced, will allow a person on whom such a fine has been imposed to make an application to the court to discharge payment in this way. If the court is satisfied that to require payment in full by the due date would cause undue hardship, it can direct that the fine be paid over a period of 12 months or exceptionally, over a 2 year period. It is intended to commence these provisions as soon as necessary enhancements have been made to the Courts Service ICT system.

I should add however, that section 14 of the Act has been commenced with effect from 4 January, 2011. This requires the court to take into account the person's financial circumstances before determining the amount of the fine, if any, to be imposed.

The value of fines outstanding is assessed on a rolling 12 month period. For the 12 months to the end of December 2010, the total value of fines imposed was €43m (120,000 fines). The total value of fines collectable after adjusting for appeals or cancellations was €29m (92,000) of which €21m (68,000) were paid giving a collection rate of 72% based on value and 74% based on volume. This leaves approximately €8m (24,000) fines outstanding in the year ending 31 December, 2010. This represents a significant improvement over an estimated collection rate of 50% in 2007 and in 2010 resulted in an estimated additional €8m in fines collected.

### **Departmental Expenditure**

399. **Deputy John McGuinness** asked the Minister for Justice and Equality if he will confirm the number of credit cards issued by him and to whom; the criteria for issuing such cards; the credit card company used; if a competitive process was used to select the company; if the

facility has had to be withdrawn from any person; and if he will make a statement on the matter. [11559/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** There are currently thirteen credit cards in use in Vote 19 (Office of the Minister for Justice and Equality) operated through Allied Irish Banks, who has been the service provider for a number of years. Credit cards are issued to a small number of senior officials and areas where specific business reasons exist for their use, such as certain types of procurement transactions. The level of expenditure incurred through credit cards is a very small proportion of overall expenditure in the Department.

### **Citizenship Applications**

400. **Deputy Noel Harrington** asked the Minister for Justice and Equality when an application for citizenship in respect of a person (details supplied) in County Cork will be processed; and if he will make a statement on the matter. [11598/11]

**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 November, 2008.

The application is at an advanced stage of processing and will be finalised as expeditiously as possible.

As I outlined in response to Parliamentary Question Number 69 of 7th April last, I can inform the Deputy that I have initiated steps within my Department to provide for speedier processing of applications to bring about a substantial reduction in the processing timescale. The new arrangements will be publicly announced once my Department is in a position to implement them.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Public Procurement Contracts**

401. **Deputy Noel Greally** asked the Minister for Justice and Equality the number of public contracts awarded to European companies and the number awarded to indigenous companies over the past five years; the monetary value of the projects awarded to European companies as opposed to indigenous companies for the past five years; and if he will make a statement on the matter. [11612/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** My Department's procurements operate within the legal framework of EU procurement directives and the guidance of the Department of Finance for procurements under EU thresholds — all tenders over €25,000 are publicly advertised either on e-tenders or in the EU Journal.

As part of its procurement controls my Department has had in place a database for contracts placed over €25,000 for the last 3 years. It also has records of contracts placed earlier than 2008

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and still in place during the period under question. It would not have records of contracts placed and concluded earlier than 2008. However, my Department considers this database to be a representative source for the purposes of the question as it covers contracts within and outside the scope of the EU Journal.

An examination of the records in this database which covers all expenditure in the above €25,000 category allowed an assessment to be made of companies as

- a. companies headquartered in Ireland,
- b. international companies with a branch in Ireland,
- c. companies from other EU countries and
- d. companies from outside the EU.

These are not formal categorisations and represent a best estimate by my Department of the status of companies in the database.

In addition there is a portion of expenditure under the €25,000 threshold not captured in the database. As this is procured using local tendering it can be assumed that the companies concerned are generally small and are all headquartered in Ireland.

Over the last 5 years my Department's expenditure on goods and services has been

2006 — €240,456,000

2007 — €293,666,000

2008 — €296,317,000

2009 — €241,222,000

2010 — €213,969,000

Based on the assumptions outlined above, 98% of the €1,285,630,000 expenditure on goods and services fall under the categories (a) and (b) above. On this basis, it is estimated that for the five year period €1,285,630,000 was paid to companies either headquartered in Ireland or international companies with a branch in Ireland and €25,712,600 was paid to other EU and non-EU companies.

### **Citizenship Applications**

402. **Deputy Áine Collins** asked the Minister for Justice and Equality when a decision will issue on an application for residency in respect of a person (details supplied) in County Cork. [11667/11]

**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 May, 2008.

The application is at an advanced stage of processing and will be finalised as expeditiously as possible.

As I outlined in response to Parliamentary Question Number 69 of 7th April last, I can inform the Deputy that I have initiated steps within my Department to provide for speedier processing of applications to bring about a substantial reduction in the processing timescale.

The new arrangements will be publicly announced once my Department is in a position to implement them.

The granting of Irish citizenship through naturalisation is a privilege and an honour which confers certain rights and entitlements not only within the State but also at European Union level and it is important that appropriate procedures are in place to preserve the integrity of the process.

I should remind the Deputy that queries in relation to the status of individual Immigration cases may be made direct to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### **Garda Vetting of Personnel**

403. **Deputy Jack Wall** asked the Minister for Justice and Equality further to Parliamentary Question No. 117 of 21 April 2011, the position regarding the application for a Garda clearance certificate in respect of a person (details supplied) in County Kildare. [11686/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to my reply below to Parliamentary Question No.109 of 12 May 2011. The position is unchanged since then.

### **Garda Stations**

404. **Deputy Olivia Mitchell** asked the Minister for Justice and Equality if there are plans in the pipeline to refurbish the Garda station at Cabinteely, County Dublin; and if he will make a statement on the matter. [11697/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The programme of replacement and refurbishment of Garda accommodation is based on agreed priorities established by An Garda Síochána. This programme is progressed by the Office of Public Works, which has responsibility for the provision and maintenance of Garda accommodation.

I have been informed by the Garda authorities that currently there are no plans for the refurbishment of Cabinteely Garda Station.

### **Visa Applications**

405. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of tourist visas to Ireland issued by the Beijing, Cairo, New Delhi, Abuja and Moscow visa offices for the years 2007 to 2010, inclusive, and to date in 2011. [11742/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Ireland does not have a separate category of tourist visa; therefore the information sought by the Deputy is unavailable. However, the statistics in respect of visit visas granted, which includes potential tourists, for the years in question are as follows: Abuja — 4,315 (2009 to 2011 Q1), Beijing 6,639 (2006 to 2011 Q1), Cairo 2,141 (2009 to 2011 Q1), Moscow 9,774 (2009 to 2011 Q1), New Delhi 15,641 (2007 to 2011 Q1). Compilation of the detailed information requested by the Deputy in relation to Abuja, Cairo, and Moscow prior to 2009, and New Delhi prior to 2007, would involve a disproportionate amount of staff time and resources which could not be justified in the circumstances.

406. **Deputy Seán Kenny** asked the Minister for Justice and Equality the number of applications for an Irish student visa in each year over the past five years and to date in 2011; the



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countries at which such residents came from; and if the visa application was approved, refused or pending and the number of each case. [11743/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I must advise the Deputy that electronic records retained for the year 2006 do not facilitate extraction of the details requested. Furthermore, it is not possible to produce, in a reasonable time frame and with a proportionate use of staff resources, an exact figure for the number of study visa applications which could be described as pending. Visa applications are received at all Irish embassies and consulates in many different time zones across the world on a daily basis and can be in transit between offices or between an office and the applicant at any given time. In addition, many applicants commence an on line visa application, but do not go on to complete the application or submit supporting documentation.

The overall figures for the years 2007 to 2011 are as follows:

| Year    | Granted | Refused |
|---------|---------|---------|
| 2007    | 4,849   | 4,405   |
| 2008    | 4,563   | 2,238   |
| 2009    | 4,049   | 1,140   |
| 2010    | 5,123   | 754     |
| 2011 Q1 | 657     | 187     |

Visas for the purpose of study were granted to applicants from over 60 countries. The majority of students come from China, Russia and Saudi Arabia which together make up about 60% of all such visas granted.

### **Garda Recruitment**

407. **Deputy Mary Lou McDonald** asked the Minister for Justice and Equality if he will put a figure on the rate of retirement in the Garda Síochána required to activate a decision by him on when the Garda recruitment will recommence; and if he will detail his reduction in public service numbers target. [11773/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Government's Programme for National Recovery has set a target for a reduction in the numbers employed in the public service between now and the end of 2015. I will be discussing with the Minister for Public Expenditure and Reform, and my other Cabinet colleagues, the details of how this reduction will be applied across those parts of the public service which I am politically responsible for. I expect that a final decision on this will be taken in the context of the comprehensive review of expenditure currently under way. A decision on when Garda recruitment will recommence will take into account both the target reduction and the rate of retirements from the Garda Síochána.

While there is no getting away from the reality that public expenditure and public service numbers have to be reduced, I am determined, as are all my Cabinet colleagues, that this will be accompanied by real and substantive reform, reform which 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 the Garda Síochána.

### Residency Permits

408. **Deputy Eoghan Murphy** asked the Minister for Justice and Equality the reason for the delay in the processing an application for asylum on humanitarian grounds in respect of a person (details supplied); and if he will make a statement on the matter. [11821/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The person concerned has been granted permission to remain temporarily in the State for a three year period, to 11th May, 2014. This decision was conveyed to the person concerned by letter dated 11th May, 2011.

I should remind the Deputy that queries in relation to the status of individual immigration cases may be made directly to INIS by Email using the Oireachtas Mail facility which has been specifically established for this purpose. The service enables up-to-date information on such cases to be obtained without the need to seek this information through the more administratively expensive Parliamentary Questions process.

### Deportation Orders

409. **Deputy Richard Boyd Barrett** asked the Minister for Justice and Equality the number of deportation orders signed on each particular day that such orders were signed in the past six months. [11845/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** In the period in question, 1 December 2010 and 1 May 2011, a total number of 485 Deportation Orders were signed.

### Garda Vetting of Personnel

410. **Deputy Emmet Stagg** asked the Minister for Justice and Equality when the Garda vetting unit will issue a decision in respect of a person (details supplied) in County Kildare. [11848/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am advised by the Garda authorities that an application in respect of the person to whom the Deputy refers was received by the Garda Central Vetting Unit and is in the course of being processed. A response will issue to the registered organisation in due course.

### Rights of People with Disabilities

411. **Deputy Peadar Tóibín** asked the Minister for Justice and Equality the work being done by him, the Equality Authority and relevant State agencies to eliminate the barriers experienced by persons with mental health problems in achieving equality and equal opportunity, as well as exercising their rights under Irish equality legislation to challenge discrimination and seek redress. [7979/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Ireland has comprehensive legal protection against discrimination on the ground of disability. Persons with disabilities are protected from discrimination and afforded reasonable accommodation in access to goods and services and in the field of employment, under the Equal Status Acts 2000 to 2008 and the Employment Equality Acts 1998 to 2008, respectively. In enforcing their right to non-discrimination, people with disabilities and their carers may seek advice from the Equality Authority. If they feel they have been discriminated against contrary to law, they may make a complaint to the Equality Tribunal.

The National Disability Authority is the independent state body providing expert advice on disability policy and practice to the Minister and promoting Universal Design. To address

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negative public attitudes towards people with mental health difficulties, identified by the National Disability Authority's research on attitudes towards people with disabilities conducted in 2001 and 2006, the Authority ran a series of national awareness raising campaigns between 2007 and 2008. These campaigns were aimed at influencing public attitudes, to encourage the public to see the person not the mental health label, and have been shown through independent evaluation to have had a positive impact.

I might also mention that it is the Government's intention to ratify the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) as quickly as possible, taking into account the need to ensure that all necessary 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.

One of the key requirements in this regard is the enactment of mental capacity legislation. The Government Legislation Programme announced on 5 April 2011 indicates that the Mental Capacity Bill is expected to be published in late 2011. The Bill will reform the law on mental capacity taking into account the Law Reform Commission's Report on Vulnerable Adults and the Law. The Bill will replace the Wards of Court system with a modern statutory framework governing decision-making on behalf of adults who lack capacity. It will facilitate ratification of the UNCRPD and give effect to the Hague Convention on the International Protection of Adults.

### EU Directives

412. **Deputy Peadar Tóibín** asked the Minister for Justice and Equality his position on the new EU anti-discrimination directive. [7983/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The matter in question relates to a proposal from the European Commission published in 2008, for a further EU directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, to have effect in a number of areas outside of employment.

Unlike many other EU Member States, Ireland already has extensive legislation to combat discrimination in the areas within the scope of this proposal. Complex legal and policy questions remain to be resolved in connection with the proposal and Ireland continues to contribute constructively to ongoing discussions under the Hungarian Presidency of the EU.

### Departmental Bodies

413. **Deputy Peadar Tóibín** asked the Minister for Justice and Equality if the Irish Human Rights Commission will move from his Department to the Department of Justice and Equality; if he will take on board the recommendations of the UN and the Council of Europe and ensure that the Irish Human Rights Commission is independent of any Department and accountable directly to Dáil Éireann; and if he will make a statement on the matter. [7982/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Responsibility for the Irish Human Rights Commission transferred to my Department with effect from 1 April 2011.

Under current legislation the Chief Executive of the Commission is accountable to the Public Accounts Committee. The Commission can also be required to make a presentation to an Oireachtas Committee on any matter that has been considered by the Commission. I am satis-

fied that the independence of the Commission and its ability under current arrangements to discharge its responsibilities in a transparent way are not in doubt.

### Departmental Responsibilities

414. **Deputy Peadar Tóibín** asked the Minister for Justice and Equality, noting the move in March 2010 of the then Department of Justice, Equality and Law Reform's equality (and human rights) briefs to the Department of Community, Equality and Gaeltacht Affairs, and the stated commitment of the then Minister and junior Minister in that new Department to expanding the human rights functions of that portfolio, the reason this brief is moving back to the Department of Justice and Equality; and his view of this in view of the inherent tension with that Department's responsibility for criminal justice measures. [7981/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I am committed to the protection of human rights and promotion of equality as is required under the Irish Constitution and the various International laws and treaties Ireland has signed and ratified including obligations from EU membership. All work of the Department in all areas will fully reflect and respect human rights principles.

Far from being a retrograde step, as implied in the Deputy's Question, I believe that the recombining of functions in relation to our system of justice and policing, on the one hand, with equality and human rights functions, is a positive step and I look forward, as does Minister of State Lynch, to implementing a strong Programme of reform in these areas over the lifetime of this Government.

### Equality Issues

415. **Deputy Peadar Tóibín** asked the Minister for Justice and Equality his views on the religious ethos exemptions set out in section 37.1 of the Employment Equality Act; and if he will make a statement on the matter. [7980/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to my reply below to Parliamentary Question No. 431 of 3 May 2011. The position is unchanged since then.

*Employment equality legislation aims to strike a necessary and appropriate balance between the right to the free profession and practice of religion, recognised by the Constitution and the principle of equality and has done so by providing a qualified exception, of limited scope, in Section 37(1) of the Employment Equality Act. Only where it is reasonable to do so and in order to maintain the religious ethos of a religious, educational or medical institution, may more favourable treatment be given under the law on the religion ground to employees or prospective employees. Similarly such institutions may take action, only where it is reasonable to do so, to prevent undermining of the institution's religious ethos by an employee or prospective employee. Application of this provision is, moreover, subject to review by a court or tribunal, such review being on an objective basis and having regard to the need to reconcile the various constitutional rights involved.*

*When speaking recently to the annual congress of the Teachers Union of Ireland my colleague the Minister for Education and Skills referred to the position of lesbian, gay, bisexual and transgender people in relation to the school system in particular. Officials from my Department and the Department of Education and Skills will work together to determine what actions might be appropriate to move this issue forward. Pending conclusion of these discussions and any discussions the Minister for Education and Skills may wish to have with the education*

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*partners, I cannot anticipate what action the Government might approve in this area or whether this will involve amending legislation or other, non-legislative initiatives.*

### **Detention Centres**

416. **Deputy Dessie Ellis** asked the Minister for Justice and Equality his role in ending the practice of sending children to an institution (details supplied); and if he will make a statement on the matter. [7550/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The Programme for Government states that we will end the practice of detaining children aged 16 and 17 years old in St. Patrick's Institution.

Responsibility for the development and provision of safe, secure accommodation for all children ordered to be detained by the Courts rests with the Irish Youth Justice Service, and this service will shortly come under the remit of my colleague Ms. Frances Fitzgerald TD, the Minister for Children and Youth Affairs.

Construction of the National Children Detention Facilities is to take place over 2 phases, subject to Government approval. I understand that the tender documentation for the project will be completed later this year.

### **National Drugs Strategy**

417. **Deputy Seán Crowe** asked the Minister for Justice and Equality if as part of the wider national drug strategy he will agree to use the Criminal Assets Bureau to strip gangs of their assets and follow through on the public promises of his predecessor to include front-line and middle-ranking drug dealers in this targeted response. [11719/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** The work of the Criminal Assets Bureau is central to tackling serious and organised crime, including drug trafficking and other drug related criminal activity. The Bureau is being actively utilised to identify and target funds accumulated by those involved in drug related activity, in order to seize such assets and to deprive those involved of the profits of their criminal activity.

A dedicated unit within the Garda National Drugs Unit has been established to liaise with the Criminal Assets Bureau to particularly target those criminals and criminal groups believed to be deriving profits and assets from drug-related criminal activity.

In addition, the Criminal Assets Bureau continues to utilise the services of criminal assets profilers located in Garda Divisions throughout the country. The Bureau uses the valuable local knowledge supplied to them by these profilers to target the assets of known drug dealers in local communities.

The role of the Criminal Assets Bureau in tackling those involved in drug dealing, and the Bureau's focus on middle and lower ranking criminals, was acknowledged during the public consultation process which informed the development of the National Drugs Strategy 2009-2016.

It should also be noted that the Programme for Government includes a number of commitments in relation to drug misuse, including a commitment to strengthen the supply reduction effort and criminal assets seizures, particularly at local level. In addition, proactively targeting drug trafficking and low level street dealing is a key action of the Garda Síochána Policing Plan for 2011. I can assure the Deputy that the Criminal Assets Bureau will continue to play its part in tackling those who seek to profit from drug dealing in our communities.

### International Agreements

418. **Deputy Seán Crowe** asked the Minister for Justice and Equality if Ireland will sign the new Council of Europe convention on preventing and combating violence against women and domestic violence adopted on 7 April 2011 when open for signature by member states at the ministerial session of the Committee of Ministers on 11 May 2011 in Istanbul. [8780/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** Cosc, my Department's National Office for the Prevention of Domestic, Sexual and Gender-based Violence, actively contributed to all stages of the drafting process in relation to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. I welcome the opening for signature of the Convention and I anticipate that the question of signature by Ireland will be submitted to the Government in the near future.

### Legislative Programme

419. **Deputy Richard Boyd Barrett** asked the Minister for Justice and Equality the progress of mental capacity legislation; and if he will make a statement on the matter. [7919/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I refer the Deputy to my reply to Question Number 114 of 6 April 2011 which indicated the following:

"The Government Legislation Programme announced on 5 April 2011 indicates that the Mental Capacity Bill is expected to be published in late 2011.

The Bill will reform the law on mental capacity taking into account the Law Reform Commission's Report on Vulnerable Adults and the Law. The Bill will replace the Wards of Court system with a modern statutory framework governing decision-making on behalf of adults who lack capacity."

I have nothing further to add to that reply.

### Ministerial Travel

420. **Deputy Pearse Doherty** asked the Minister for Justice and Equality if he will give details of the number of ministerial cars; the number of drivers; the total personnel; the number of ministerial cars that are provided for past Members of the Oireachtas; the cost to the Exchequer of the provision of ministerial cars to past Members; and if he will make a statement on the matter. [9652/11]

**Minister for Justice and Equality (Deputy Alan Shatter):** I have sought the information requested by the Deputy from the Garda authorities and I will contact him again when it is available.

### Departmental Properties

421. **Deputy Jack Wall** asked the Minister for Defence his position in regard to a stated property (details supplied) in County Kildare; if the Department still has legal ownership of same, or if his Department has passed on legal ownership of the property; if so to whom; and if he will make a statement on the matter. [11153/11]

**Minister for Defence (Deputy Alan Shatter):** The property in question is still in the ownership of the Department of Defence. It had been intended to transfer the property to the Local Authority under the Affordable Housing initiative. However following the cancellation of that initiative the Local Authority have advised the Department that they have no further interest in acquiring the property. Since then the Department has taken measures to secure the prop-

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erty. This property, as with all surplus property, will be disposed of taking account of market conditions, so as to maximise the return to the Defence Forces and generate funding for reinvestment in equipment and infrastructure.

### Departmental Agencies

422. **Deputy Dominic Hannigan** asked the Minister for Defence the number of State agencies or organisations under his remit which are paid up members of the Irish Business and Employers Confederation; the name of each agency or organisation; the amount each State agency or organisation paid to the Irish Business and Employers Confederation for the years 2007, 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [11319/11]

**Minister for Defence (Deputy Alan Shatter):** The State Agencies under the remit of my Department are the Civil Defence Board, the Army Pensions Board and the Board of Coiste an Asgard. None of these are members of the Irish Business and Employers Confederation.

### Departmental Expenditure

423. **Deputy John McGuinness** asked the Minister for Defence if he will confirm the number of credit cards issued by him and to whom; the criteria for issuing such cards; the credit card company used; if a competitive process was used to select the company; if the facility has had to be withdrawn from any person; and if he will make a statement on the matter. [11552/11]

**Minister for Defence (Deputy Alan Shatter):** The following four post holders in my Department are authorised to use official credit cards: Private Secretary to Minister for Defence, Private Secretary to Minister of State at Department of Defence, Secretary-General of Department of Defence and the Human Resources Manager. The decision to issue an official credit card is made on the basis of the business need having regard to the individual's duties. The official credit cards are intended to obviate the need for staff to use their personal credit cards where substantial business-related costs are likely to be incurred. Their usage is restricted solely for official purposes. The facility has not been withdrawn from any of the post holders.

The current credit cards were issued by the Bank of Ireland which provides the majority of the Department's banking services.

### Commemorative Events

424. **Deputy Mary Lou McDonald** asked the Minister for Defence if he will give permission to a family (details supplied) to erect a commemorative plaque in Arbour Hill Prison to commemorate Bartholomew Teeling who was executed there in 1798. [11636/11]

**Minister for Defence (Deputy Alan Shatter):** A request has recently been referred to my Department, on behalf of the family in question, seeking permission to erect a plaque to commemorate Bartholomew Teeling who was executed in 1798.

The Department is still considering the matter.

### Foreshore Licences

425. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food the position regarding a foreshore licence application by Mayo County Council to facilitate the construction of a new slipway at a location (details supplied) in County Mayo; and if he will make a statement on the matter. [11184/11]

429. **Deputy John O'Mahony** asked the Minister for Agriculture, Fisheries and Food when a foreshore lease will be issued to facilitate the construction of a slipway at a location (details supplied) in County Mayo; and if he will make a statement on the matter. [11183/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** I propose to take Questions Nos. 425 and 429 together.

The grant of a foreshore lease to Mayo County Council for the construction of a slipway at Kilcummin Pier, Killala, Co Mayo received Ministerial approval on 17 June 2010.

The Chief State Solicitors Office (CSSO) has been requested to draft the lease documentation. My Department is maintaining ongoing contact with the CSSO in relation to this matter with a view to having the lease finalised as soon as possible.

### **Grant Payments**

426. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food the position regarding a review of entitlements for a person (details supplied) in County Kerry; when the results of the review will issue; if he will re-examine deductions relating to common-age lands in the case; and if he will make a statement on the matter. [11151/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** An application under the Single Payment Scheme /Disadvantaged Areas Scheme was received from the person named on the 12th May 2010.

This application was selected for a ground eligibility/cross compliance inspection. During the course of this inspection discrepancies were found that resulted in a claimed area of 115.9ha being reduced to 109.63ha. If the total area found is not sufficient to support the number of entitlements held penalties will be applied per the Terms and Conditions of the scheme. In this case the number entitlements held by the person named is 121.87. As the difference between the area declared and the area found is more than 3%, under EU Regulations, the difference between the area found and the area claimed is doubled and deducted from the area found. As a result the area put forward for payment under the Single Payment Scheme was 97.09ha. The person named was informed of this decision and of his right to seek a review. He was also informed of his right to appeal the outcome of any such review to the Independent Agriculture Appeals Office. A request for a review was received on the 10th of February 2011 and is currently being considered. The person named will be informed of the outcome as soon as it is available.

The question of reviewing the Single Payment entitlements held by the person named will be examined following the review of the inspection results.

### **Food Labelling**

427. **Deputy Terence Flanagan** asked the Minister for Agriculture, Fisheries and Food his plans to make compulsory the displaying in restaurants of Irish produce; and if he will make a statement on the matter. [11155/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The Minister for Health & Children has overall responsibility for the general food labelling legislation. Responsibility for the enforcement of this legislation rests with the Food Safety Authority of Ireland (F.S.A.I.). This is done through service contracts between the F.S.A.I and my Department, The Sea Fisheries Protection Authority, the Health Service Executive and the Local Authority Veterinary Service.



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Currently, under EU legislation, specific country of origin labelling is only required in the case of beef, unprocessed poultry and fruit and vegetables. My Department conducts checks, including labelling, as appropriate in the business premises for which it has responsibility. It is understood from the FSAI that a range of inspections are carried out at catering and retail establishments by the other service-contracted bodies which include checks on labelling.

In the case of products other than beef, unprocessed poultry and fruit and vegetables, under the general labelling Directive (2000/13/EC), the place of origin of the foodstuff must be given only if its absence might mislead the consumer. Discussions on draft EU regulations amending labelling requirements are at an advanced stage. The proposals provide for origin labelling of other meats and the Department of Health and Children which represents Ireland in the negotiations keeps in close touch with my Department.

### Natural Heritage Areas

428. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food when the scientific assessment results of aquaculture and fishing activities in the Kenmare River special area of conservation will be published; when the implications of the assessment will issue; and if he will make a statement on the matter. [11157/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Where fishery or aquaculture activities within a Special Area of Conservation (SAC) may have significant impacts on the conservation objectives for that SAC, either individually or in combination with other activities, an ‘appropriate assessment’ is required under the EU Habitats Directive, as transposed into Irish law by the European Communities (Natural Habitats) Regulations 1997 (as amended), before a statutory consent for those activities can be issued. The appropriate assessment is a scientific determination of the likely impacts on the habitat or protected species. Given the scale and nature of activity in the Kenmare River SAC, an appropriate assessment will be required.

I understand that the National Parks and Wildlife Service (NPWS) of the Department of Tourism, Culture and Sport has not yet established conservation objectives for the Kenmare River SAC. The Marine Institute is assisting the NPWS in preparing the necessary scientific data to inform the establishment of conservation objectives. For an SAC, this involves benthic surveys of the site. While much work has been done by the agencies already, before finalising the conservation objectives the NPWS requires that a further survey be conducted to identify the extent of sub-tidal reef habitats in the site. The Marine Institute is presently engaged in a procurement process in connection with that survey. Survey work is expected to take place during the Summer months. Once conservation objectives are available, the Marine Institute will carry out the appropriate assessment of fishery and aquaculture activities within the SAC.

*Question No. 429 answered with Question No. 425.*

### Departmental Offices

430. **Deputy Dara Calleary** asked the Minister for Agriculture, Fisheries and Food the position regarding the reorganisation of local offices; his plans to reopen any of those offices which have been already closed; and if he will make a statement on the matter. [11198/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The reorganisation of local offices is vital to ensuring that my Department stays within its allocated spending targets. The financial savings from the reorganisation of the local offices are very significant

and for 2011 the reduction in running costs amounts to some €20 million and the reduction of over 250 staff. For 2012 the reduction in running costs are expected to be some €30 million with an overall reduction from the programme of over 400 staff.

From next Monday, May 23rd local services for my Department can be accessed from any of the following offices in my Department's Regional Offices Network: Castlebar, Cavan Town, Clonakilty, Cork City, Drumshanbo, Enniscorthy, Galway, Naas, Navan, Limerick, Raphoe, Roscommon town, Tipperary Town, Tralee, Tullamore and Waterford City.

Back in 2009 my Department had 58 offices providing local services to our clients and analyses then showed that this number of offices was not sustainable for the future. Decoupling of Pillar I payments, simplification of Pillar II payments and online services has dramatically reduced the demand for my Department's local services. It was decided to move towards a network of offices, the key advantage being any client could visit any office in the network and not just the parent or County office, thus providing enhanced coverage of the Country from fewer locations. Our analysis showed that it was possible to retain just 16 of the original 58 locations while ensuring that even the most remote farms would be within a reasonable distance of a Regional Office. It was also shown that such a design would allow the Department to provide the full range of services and an enhanced service from each regional office which would not have been possible had the 58 offices been retained due to the pressure on the Department to reduce staff numbers.

Given the strength of these analyses and the fact that the resultant savings are critical to my Department staying within allocated spending targets it is not planned to reopen any offices that have already been closed.

### Grant Payments

431. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food when a REP scheme payment will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [11262/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The person named commenced REPS 3 in February 2006 and has received full payment in respect of the first four years.

Following an inspection on 6th December 2010, a penalty regarding the quantity of lime applied was imposed on his fifth year payment. The person named was informed of the 10% penalty by letter dated 2nd February 2011 and was given until the 16th February 2011 to appeal this penalty. To date no appeal has been received. The fifth year payment is currently being processed, and the penalty will be recouped.

432. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food when a REP scheme payment will issue to a person (details supplied) in County Kerry; and if he will make a statement on the matter. [11263/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The person named commenced REPS 4 in May 2008 and received the first three years payments in full.

The year 3 advance payment of 75% issued on 29 April 2011, while the balance of 25% issued on 4 May 2011.

### Departmental Agencies

433. **Deputy Dominic Hannigan** asked the Minister for Agriculture, Fisheries and Food the

[ Deputy Dominic Hannigan.]

number of State agencies or organisations under his remit which are paid up members of the Irish Business and Employers Confederation; the name of each agency or organisation; the amount each State agency or organisation paid to the Irish Business and Employers Confederation for the years 2007, 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [11316/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** There are twelve State Bodies/Agencies that fall under my Department's remit with seven of these are fully paid up members of the Irish Business and Employers Confederation (IBEC). The details of the amounts paid by each of these State Bodies/Agencies for the years requested by the Deputy are listed in the following table:

Non Commercial State Bodies

|                                 | 2007  | 2008  | 2009  | 2010  | 2011 to date |
|---------------------------------|-------|-------|-------|-------|--------------|
|                                 | €     | €     | €     | €     | €            |
| Aqua licensing Appeals Board    | —     | —     | —     | —     | —            |
| Bord Bia                        | 7,228 | 7,228 | 7,228 | 7,228 | 7,228        |
| Bord Iascaigh Mhara             | 6,582 | 6,833 | 6,856 | 6,856 | 6,833        |
| Marine Institute                | 7,346 | 8,478 | 8,478 | 7,258 | 6,782        |
| National Milk Agency            | —     | —     | —     | —     | —            |
| Sea Fisheries Protection Agency | —     | —     | —     | —     | —            |
| Teagasc                         | —     | —     | —     | —     | —            |
| Veterinary Council of Ireland   | —     | —     | —     | —     | —            |

Commercial State Bodies

|                                  | 2007    | 2008    | 2009    | 2010   | 2011 to date |
|----------------------------------|---------|---------|---------|--------|--------------|
|                                  | €       | €       | €       | €      | €            |
| Bord na gCon                     | 13,320  | 13,855  | 12,855  | 12,855 | Nil          |
| Coillte                          | 102,475 | 106,576 | 106,580 | 95,922 | 95,922       |
| Horse Racing Ireland             | 5,105   | 5,845   | 6,532   | 5,501  | 4,928        |
| Irish National Stud <sup>1</sup> | 1,910   | 3,505   | 2,564   | 1,986  | 1,986        |

<sup>1</sup>The figures from the Stud include membership and other payments made to IBEC.

### Grant Payments

434. **Deputy Martin Heydon** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Kildare may expect to receive payments under the farm improvements scheme; the reason for the delay; and if a Department official will be assigned to liaise with the person to resolve any outstanding issues. [11335/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The person concerned is an applicant under the Farm Improvement Scheme. A Department official will carry out a farm inspection shortly and provided that the investment works satisfy the terms and conditions of the Scheme, the application will be processed for payment.

435. **Deputy John Deasy** asked the Minister for Agriculture, Fisheries and Food when payment will issue to a person (details supplied) in County Waterford under the farm improvement scheme. [11342/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The person concerned is an applicant under the Farm Improvement Scheme. Payment of the grant will take place when it has been determined that all the terms and conditions of the Scheme have been complied with. The checks concerned should be completed in the near future.

### Ceadúnais Iascaigh

436. D'fhiafraigh **Éamon Ó Cuív** den Aire Talmhaíochta, Iascaigh agus Bia cén meánfhad a thógann sé le ceadúnas a eisiúint d'fheirmeoireacht éisc; cé méid iarratas atá ar lámh ag a Roinn; an bhfuil i gceist aige céimeanna a ghlacadh leis an bpróiseas seo a dhéanamh níos sciobtha; agus an ndéanfaidh sé ráiteas ina thaobh. [11371/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Braithfidh an fráma ama chun teacht ar chinneadh maidir le hiarratais ar an suíomh, an speiceas, scála agus déine an táirgthe, an modh saothrúcháin, stádas reachtúil na láithreán, éifeacht fhéideartha ó thaobh amhairc, an bealach rochtana agus cé chomh minic a dhéanfar rochtain ar na láithreáin, gníomhaíochtaí eile sa limistéar srl. Beidh sé ag brath freisin, i measc rudaí eile, ar aon aighneachtaí nó aon tuairimí a ardaítear le linn thréimhse an chomhairliúcháin phoiblí.

Mar sin ní féidir fráma ama sonracha a thabhairt le fios maidir le hiarratais ar cheadúnas a phróiseáil.

Tá 564 iarratas ar cheadúnas do bharshaothraithe ag fanacht ar chinneadh — is é sin 301 iarratas ar cheadúnas den chéad uair agus 263 iarratas ar cheadúnas a athnuachan.

An riaráiste i bpróiseáil na n-iarratas ar cheadúnas nua agus na n-iarratas ar cheadúnas a athnuachan, tagann sé i gceist den chuid is mó mar go bhfuil formhór na limistéar a bhfuil na ceadúnais á lorg ina leith ainmnithe mar Limistéir Chaomhantais Speisialta faoin Treoir maidir le Gnáthóga ón Aontas Eorpach agus/nó Limistéir faoi Chosaint Speisialta faoin Treoir maidir le hÉin ón Aontas Eorpach (láithreáin Natura 2000).

I gcás na láithreán do bharshaothraithe atá lonnaithe laistigh de limistéir Natura 2000, tá an Roinn Talmhaíochta, Iascaigh agus Bia, i gcomhar le Foras na Mara agus le Seirbhís Páirceanna Náisiúnta agus Fiadhúlra na Roinne Ealaíon, Oidhreacht agus Gaeltachta, i mbun clár cuimsitheach d'fhonn na sonraí bonnlíne riachtanacha a bhailiú is iomchuí i gcomhair chuspóirí caomhnaithe na limistéar sin. Tá an próiseas sin leanúnach agus tá dul chun cinn suntasach déanta. De bharr an chláir chuimsitheach seo um bailiú sonraí, mar aon le leagan síos cuspóirí caomhnaithe iomchuí ag an tSeirbhís Páirceanna Náisiúnta agus Fiadhúlra, beifear in ann gach iarratas nua, iarratas athnuachana agus iarratas ar athbhreithniú a mheas go hiomchuí chun a chinntiú go gcomhlíonfar na Treoracha maidir le hÉin agus le Gnáthóga ón Aontas Eorpach. Léiríonn an obair seo infheistíocht shuntasach airgeadais, riaracháin agus eolaíochta ag an Stát maidir le réiteach na ceiste seo. Déanfar Measúnú Iomchuí na n-iarratas do bharshaothraithe ar bhonn gach bá go leithleach.

Leanann mo Roinn ag déanamh gach iarrachta luas a chur faoi chinneadh a dhéanamh maidir le gach cás nach bhfuil cinneadh déanta ina leith go fóill, ag féachaint do chastacht gach cáis agus don ghá atá ann an reachtaíocht náisiúnta agus reachtaíocht an AE a chomhlíonadh go hiomlán.

437. D'fhiafraigh **Éamon Ó Cuív** den Aire Talmhaíochta, Iascaigh agus Bia cén fáth go mbíonn ar fheirmeoirí bradán atá ag iarraidh athnuachan a dhéanamh ar sheancheadúnais

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bradán feirme a bhí ag comhlachtaí atá imithe as gnó le fada, iartháillí nó riaráistí a íoc ar na súimh seo; agus an ndéanfaidh sé ráiteas ina thaobh. [11372/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Léiríonn an chomhairle dlí atá ar fáil do mo Roinnse go múchtar ceadúnais dobharshaothraithe atá i seilbh cuideachtaí atá díscailte go hoifigiúil.

I gcás na gceadúnas a shanntar chuig tríú páirtithe, éilíonn mo Roinnse, ag teacht le deachleachtas sa bhainistíocht phoiblí, go n-íocfar aon táillí nach bhfuil íoctha go fóill mar chuid den phróiseas sannacháin.

438. D'fhiafraigh **Éamon Ó Cuív** den Aire Talmhaíochta, Iascaigh agus Bia an bhfuil i gceist aige athbhreithniú a dhéanamh ar na táillí a ghearrtar ar cheadúnais feirmeoireachta éisc féachaint an spreagfadh laghdú táillí tuilleadh forbartha ar an tionscal; agus an ndéanfaidh sé ráiteas ina thaobh. [11373/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** Níor ardaíodh na táillí ar cheadúnais Dobharshaothraithe ó 1998. Níl laghdú ar na táillí faoi bhreithniú i láthair na huaire.

### Grant Payments

439. **Deputy Tom Hayes** asked the Minister for Agriculture, Fisheries and Food when the final 25% of REP scheme payment will issue in respect of a person (details supplied) in County Tipperary; if further inspection is needed; when same will be carried out; and if he will make a statement on the matter. [11407/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The person named commenced REPS 4 in November 2008 and has received full payment in respect of both year 1 and 2.

75% of the year 3 payment was made on 17 December 2010. Payment of the final 25% cannot be made until outstanding checks are finalised and compliance with the scheme conditions has been fully established. Payment will issue at the earliest possible date once these outstanding checks have been completed.

### Departmental Expenditure

440. **Deputy John McGuinness** asked the Minister for Agriculture, Fisheries and Food if he will confirm the number of credit cards issued by him and to whom; the criteria for issuing such cards; the credit card company used; if a competitive process was used to select the company; if the facility has had to be withdrawn from any person; and if he will make a statement on the matter. [11549/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** There are currently 17 Credit Cards issued to staff in my Department in connection with their official duties. The cards are held by the following staff members:

Secretary General, Assistant Secretary (3), Librarian, Chief Veterinary Officer, Principal Officer, Assistant Principal (3), Higher Executive Officer (2), Administrative Officer (Private Secretary to the Minister and Minister of State) (2), Superintending Veterinary Inspector (2), Veterinary Inspector.

The credit cards are strictly managed and are issued to provide financial support to staff that regularly incur charges in the course of their official business in areas such as foreign travel and payment for goods and services provided to the Department in specific exceptional cases that necessitate payment by credit card, for example, the on-line purchase of material for the Department's Library.

My Department's credit cards are provided by one of the main commercial banks since 2006. Selection of credit card provider was made on the basis of the bank undertaking to provide a service that met the particular billing, reporting and payment terms that suited the Department. Policy and practice in relation to the issue of credit cards to officials was reviewed in 2010 and the number of cards were reduced by reference to current business needs. However, there have been no instances where a credit card had to be withdrawn from a staff member.

### **Agri-Environment Options Scheme**

441. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food 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. [11588/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The person named has been approved into the AEOS scheme with a start date of 1 September 2010.

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. I expect that payments to participants in the scheme in respect of the first year will commence in August and that payments in respect of year two will commence in October.

### **Public Procurement Contracts**

442. **Deputy Noel Grealish** asked the Minister for Agriculture, Fisheries and Food the number of public contracts awarded to European companies and the number awarded to indigenous companies over the past five years; the monetary value of the projects awarded to European companies as opposed to indigenous companies for the past five years; and if he will make a statement on the matter. [11604/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** It was not possible to provide the information requested within the required timeframe. However, I have arranged for this information to be provided to the Deputy as soon as possible.

### **Grant Payments**

443. **Deputy Dara Calleary** asked the Minister for Agriculture, Fisheries and Food his plans to extend the support grant available to cattle and sheep dairy discussion groups; and if he will make a statement on the matter. [11625/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** I assume that the Deputy is referring to the possible extension of the current dairy discussion group mechanism to the beef and sheepmeat sector. I am fully aware of the significant benefits of such arrangements in the dairy sector. I should point out however that these are funded entirely from unspent EU Single Farm Payment Funds which have been fully allocated at this stage. There has, of course, been significant public investment in the beef and sheep sector in recent years, including through the Farm Waste Management Scheme, the Suckler Cow Welfare Scheme

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and the Capital Investment Scheme for the beef and sheepmeat processing industry, as well as the grassland sheep scheme and the sheepfencing/mobile handling equipment scheme.

I recognise the merits of discussion groups as a vehicle for transferring technology. I would urge all farmers to avail of the extremely valuable information emerging from Teagasc, ICBF and from the Teagasc /IFJ Better Farm Beef Programme, and to participate where possible in discussion groups or other collaborative initiatives which can assist farmers in making their enterprises more efficient and improving margins.

Insofar as providing a financial stimulus to encourage participation in beef or sheep discussion groups is concerned, the realities of the public finances mean that difficult choices will have to be made when it comes to allocating scarce Exchequer resources. Like other ministers, I am faced with a number of financial challenges at present, but I can assure the deputy that my approach to determining spending priorities will be informed by the need to ensure that scarce public resources are utilised to best effect to facilitate the development of the beef, sheep and other agri-food sectors.

444. **Deputy Jim Daly** asked the Minister for Agriculture, Fisheries and Food the reason a penalty was issued to a person (details supplied); and if he will make a statement on the matter. [11642/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** An application under the 2010 Single Payment Scheme was received from the person named on the 11 March 2010, during processing of which over-claim errors were identified on two of the parcels declared. In response to standard correspondence, the person named indicated that they were not willing to accept the amended reference area. As a subsequent ground inspection by a Department Inspector confirmed the over-claims, the payment due was calculated on the basis of the found area. However, the person named has since lodged an appeal, with supporting documentation, and this is currently being reviewed. An official from my Department will be in direct contact with the person named in the coming days with the view to resolving this matter.

### Departmental Schemes

445. **Deputy Frank Feighan** asked the Minister for Agriculture, Fisheries and Food when the vacant post for district superintendent on the REP scheme and the farm waste management scheme for counties Leitrim, Sligo and Roscommon will be filled; and if his attention has been drawn to farm payments which are cleared and cannot issue in view of the fact there is no person to sign off on cheques. [11648/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The post to which the Deputy refers has recently become vacant and, as the Deputy will be aware, a moratorium on recruitment and promotion is in place in the public service. Alternative arrangements are being put in place to accommodate payments to farmers.

### Grant Payments

446. **Deputy Pearse Doherty** asked the Minister for Agriculture, Fisheries and Food when payment will be received for the grassland sheep scheme in respect of a person (details supplied) in County Donegal. [11673/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** As processing of the application under the Grassland Sheep Scheme received from the person named on the 12 May 2010, has now been finalised, the payment due will issue shortly.

### Sea Fisheries Protection Authority

447. **Deputy Thomas Pringle** asked the Minister for Agriculture, Fisheries and Food the arrangements in place for the provision of vehicles for the fishery officers of the Sea Fisheries Protection Authority; the frequency with which new vehicles are supplied; the cost of these measures; and if he will make a statement on the matter. [11681/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The Sea-Fisheries Protection Authority is an independent statutory body; hence, arrangements in place for the provision and supply of vehicles for fisheries officers is a matter for the Authority. The Department has forwarded the request to the SFPA for its consideration and for a direct reply to the Deputy.

### Grant Payments

448. **Deputy Brendan Griffin** asked the Minister for Agriculture, Fisheries and Food if a new grassland sheep scheme application will be successful in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [11760/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** An application under the 2010 Grassland Sheep Scheme was received from the person named on the 14 May 2010 and was fully processed. In accordance with the provisions of the Scheme, the payment which issued on 1 February 2011, was based on the original Sheep Census return received from the person named, which indicated that the person named had ten breeding ewes.

### Plant Variety Development Office

449. **Deputy Tom Barry** asked the Minister for Agriculture, Fisheries and Food if his Department has a shareholding in a company (details supplied); if so, the percentage of same; if there was a tendering process prior to the appointment of the company to its role in the monitoring of the use of farm-saved seed and the collection of royalties for same; if there is a cost to the State associated with the operation of the company; and if there is, the cost of same annually. [11764/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** My Department does not have any shares in the Plant Variety Development Office and incurs no costs in relation to its operations.

### Grant Payments

450. **Deputy Pat Breen** asked the Minister for Agriculture, Fisheries and Food when a forestry payment will issue to a person (details supplied) in County Clare; and if he will make a statement on the matter. [11805/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** This applicant has three forestry contracts. The situation with each of these is as follows:

**First contract:** A forestry premium claim form (Form 4) for 2011 issued to the applicant in January 2011. To date this form has not been returned. Another Form 4 has been issued by the Forest Service.

**Second contract:** The application for approval to plant and to receive grant aid was refused for this contract as the site was too exposed for broadleaves. A refusal letter was issued to the applicant on 31/03/2010.



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**Third Contract:** The Forest Service issued financial approval for this contract on 18/01/2011, enabling the applicant to begin planting. Planting must be completed by 30/06/2011 and a notification of completion must be submitted to the Forest Service on Form 1(c). A Form 2 claiming the first instalment grant and the first forestry premium must then be submitted. Neither Form 1(c) nor Form 2 has been received by the Forest Service to date.

### EU Directives

451. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Galway was penalised in relation to a nitrates directive inspection; if his attention has been drawn to the fact that there was factors involved which were beyond their control; if the severity of the penalty could be re-examined; and if he will make a statement on the matter. [11836/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** The person named was the subject of a nitrates inspection by the Integrated Controls Division of my Department acting on behalf of the Department of the Environment, Heritage and Local Government on 15 March 2011. This inspection uncovered discrepancies that were deemed to be intentional and a penalty of 20% was recorded for breaches of the nitrates regulations. An additional breach relating to the requirement for farmers to maintain land in good agricultural and environmental condition was uncovered that led to an additional 3% penalty being recorded. These breaches have led to a total penalty of 23% being recorded for the year.

The person named was informed of this decision and of his right to seek a review. He was also informed of his right to appeal the outcome of any review to the Independent Agriculture Appeals office. An application for review has been recently received and is currently under consideration. The person named will be notified of the outcome as soon as it is available.

### Grant Payments

452. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Fisheries and Food the reason a person (details supplied) in County Galway is not entitled to an allocation of entitlements from the National Reserve, in view of the fact that they are an active young farmer who has a green certificate in agriculture, who owns a small farm and rents other lands on a six-year lease, and who is involved in REPS 4. [11838/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** As of today my Department does not have a record of a National Reserve application having been received under the herd number quoted since the introduction of the Single Payment Scheme in 2005.

453. **Deputy Paul J. Connaughton** asked the Minister for Agriculture, Fisheries and Food when a person (details supplied) in County Galway will receive their ewe top-up grant; the position regarding their area aid application; and if he will make a statement on the matter. [11839/11]

**Minister for Agriculture, Fisheries and Food (Deputy Simon Coveney):** As processing of the application under the Grassland Sheep Scheme received from the person named on the 16 March 2010 has now been finalised, the payment due will issue shortly.

### Departmental Agencies

454. **Deputy Dominic Hannigan** asked the Minister for Community, Equality and Gaeltacht

Affairs the number of State agencies or organisations under her remit which are paid-up members of the Irish Business and Employers' Confederation, IBEC; the name of each agency or organisation; the amount each State agency or organisation paid to IBEC for the years 2007, 2008, 2009 and 2010, and to date in 2011; and if she will make a statement on the matter. [11318/11]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Frances Fitzgerald):** As the Deputy will be aware, on foot of the restructuring of Government Departments announced by the Taoiseach in March 2011, functions that previously were under the remit of the Department of Community, Equality and Gaeltacht Affairs — shortly to be renamed as the Department of Children and Youth Affairs — have now transferred to six reconfigured Departments.

The Family Support Agency is the sole agency under my Department's aegis at this time and I am advised that this agency is not a member of the Irish Business and Employers' Confederation.

### **Departmental Expenditure**

455. **Deputy John McGuinness** asked the Minister for Community, Equality and Gaeltacht Affairs if she will confirm the number of credit cards issued by her and to whom; the criteria for issuing such cards; the credit card company used; if a competitive process was used to select the company; if the facility has had to be withdrawn from any person; and if she will make a statement on the matter. [11551/11]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Frances Fitzgerald):** As the Deputy will be aware, on foot of the restructuring of Government Departments announced by the Taoiseach in March 2011, functions that previously were under the remit of the Department of Community, Equality and Gaeltacht Affairs — shortly to be renamed as the Department of Children and Youth Affairs — have now transferred to six reconfigured Departments.

The family policy division is the sole function within my Department's remit at this time and I am advised that no such credit cards are being used within the Department of Community, Equality and Gaeltacht Affairs.

### **Public Procurement Contracts**

456. **Deputy Noel Greally** asked the Minister for Community, Equality and Gaeltacht Affairs the number of public contracts awarded to European companies and the number awarded to indigenous companies over the past five years; the monetary value of the projects awarded to European companies as opposed to indigenous companies for the past five years; and if she will make a statement on the matter. [11606/11]

**Minister for Community, Equality and Gaeltacht Affairs (Deputy Frances Fitzgerald):** As the Deputy will be aware, on foot of the restructuring of Government Departments announced by the Taoiseach in March 2011, functions that previously were under the remit of the Department of Community, Equality and Gaeltacht Affairs — shortly to be renamed as the Department of Children and Youth Affairs — have now transferred to six reconfigured Departments.

The family policy division is the sole function within my Department's remit at this time and as its primary purpose is to liaise with the Family Support Agency, I am advised that no contracts of the nature referred to by the Deputy have been awarded by this division over the past five years.

### Medical Cards

457. **Deputy Joan Collins** asked the Minister for Health and Children the reason for the delay in processing a medical card application in respect of a person (details supplied). [11167/11]

**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

458. **Deputy Mary Lou McDonald** asked the Minister for Health and Children the number of civil and public servants that have a general practitioner visit card; the number of civil and public servants that have a medical visit card; and if he will make a statement on the matter. [11418/11]

**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** Applicants for a medical card or a general practitioner visit card are not required to provide a description of their occupation. The information sought by the Deputy cannot be provided as it does not exist.

### Health Services

459. **Deputy Anthony Lawlor** asked the Minister for Health and Children the reasons the Health Service Executive dental service at Derrinturn Health Centre is scheduled to close on 18 May 2011, bearing in mind the fact that dental equipment is already in place in the centre and the inconvenience the cessation of this service will cause to the large catchment area in County Kildare which it currently serves; and if he will make a statement on the matter. [11975/11]

521. **Deputy Seán Ó Feargháil** asked the Minister for Health and Children if he will ensure that dental services continue to be provided at a health centre (details supplied) in County Kildare; if he will dissuade the Health Service Executive from terminating such services at this location; and if he will make a statement on the matter. [11759/11]

527. **Deputy Catherine Murphy** asked the Minister for Health and Children if the withdrawal of the dental clinic in Derrinturn, County Kildare, which serves the needs of a wide catchment area including more than 2,000 children, is temporarily or permanent; the basis on which this decision was taken; in the event that this is a permanent change to the services provided at the clinic, if he will review the decision; in the event that this is a temporary measure, when the services will be reinstated; and if he will make a statement on the matter. [11846/11]

529. **Deputy Emmet Stagg** asked the Minister for Health and Children if he will instruct the Health Service Executive not to cease the dental service for children at Derrinturn Health Centre, County Kildare, on 18 May 2011, in view of the fact that the alternative arrangement to provide the service at health centres in Naas or Newbridge is impractical as there is no public transport available from Derrinturn to these areas. [11849/11]

**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** I propose to take Questions Nos. 459, 521, 527 and 529 together.

As this is a service matter it has been referred to the HSE for direct reply.

460. **Deputy Catherine Byrne** asked the Minister for Health and Children if he will address the need for better paediatric diabetes services in this country in view of the demand on services

in the Dublin area due to a lack of services for children and adolescents around the country; if he will review the recent proposal published by Diabetes Action on this important issue; and if he will make a statement on the matter. [11172/11]

462. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding access to treatments for 3,500 children and adolescents with diabetes. [11204/11]

468. **Deputy Maureen O'Sullivan** asked the Minister for Health and Children if he will consider the proposal by an organisation (details supplied) to reorganise diabetes paediatric services in eight networks, which could potentially reduce the development of complications in adulthood by as much as 76%; and if he will make a statement on the matter. [11271/11]

469. **Deputy Michael Healy-Rae** asked the Minister for Health and Children if he will ensure the equal availability of life-changing intensive treatments for type 1 diabetes nationally (details supplied); and if he will make a statement on the matter. [11273/11]

471. **Deputy Robert Dowds** asked the Minister for Health and Children his plans for the reorganisation of paediatric diabetes services currently provided; and if he will make a statement on the matter. [11286/11]

472. **Deputy Clare Daly** asked the Minister for Health and Children if he is familiar with the recommendations of the Diabetes Action policy document (details supplied); and if he plans to implement these recommendations in their entirety or to partly implement them. [11298/11]

484. **Deputy Peter Mathews** asked the Minister for Health and Children his plans to reorganise current paediatric diabetes services; if his attention has been drawn to the proposals of an organisation (details supplied) regarding such a reorganisation; and if he will make a statement on the matter. [11359/11]

487. **Deputy Seán Kyne** asked the Minister for Health and Children the current arrangements for diabetic health care; and his plans to implement all or any of the proposals for improved child and adolescent diabetes services put forward by a group (details supplied). [11386/11]

**Minister for Health and Children (Deputy James Reilly):** I propose to take Questions Nos. 460, 462, 468, 469, 471, 472, 484 and 487 together.

The information requested by the Deputies is not readily available in my Department. Therefore I have asked the Health Service Executive to supply the necessary information to me and I will forward it to the Deputies as soon as possible.

461. **Deputy Tom Fleming** asked the Minister for Health and Children if he will make the necessary funding available to allow for the reorganisation of paediatric diabetes services in the Health Service Executive South area. [11203/11]

**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.

*Question No. 462 answered with Question No. 460.*

### Medical Cards

463. **Deputy Joe Costello** asked the Minister for Health and Children if he will rescind the decision to refuse a medical card to a person (details supplied) in Dublin 7, in view of the fact

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that removal of the card will interfere with ongoing treatment; and if he will make a statement on the matter. [11208/11]

**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Health Services

464. **Deputy Sandra McLellan** asked the Minister for Health and Children his plans to introduce a free dental treatment plan for those with special needs; and if he will make a statement on the matter. [11216/11]

**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** While the dental treatment services scheme has been restricted to emergency and priority care since April 2010, these restrictions do not apply to medical card holders with special needs, for whom a comprehensive service is available free of charge.

465. **Deputy Olivia Mitchell** asked the Minister for Health and Children the position regarding permission to carry out an observation assessment with a view to advising of the suitability of a person (details supplied) in Dublin 14 for the services of Autism Initiatives; and if he will make a statement on the matter. [11222/11]

**Minister of State at the Department of Health and Children (Deputy Kathleen Lynch):** As the Deputy's question relates to service matters, I have referred this question to the Health Service Executive for direct reply.

### Pharmacy Services

466. **Deputy Ciara Conway** asked the Minister for Health and Children, in view of recent medicine shortages, if measures will be put in place to ensure that an adequate supply of prescription medicines is available to pharmacists here; and if he will make a statement on the matter. [11260/11]

**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** The Irish Medicines Board (IMB) employs a number of procedures which help to reduce medicines shortages. These include statutory obligations on suppliers to notify the IMB of temporary interruptions in supply, facilitating batch-specific requests to avoid potential product shortages, the publication of information on the marketing status of authorised products, and the ongoing monitoring of the wholesale stock levels of controlled drugs.

The batch-specific request scheme is designed to ensure continuity of supply when a product that is fully compliant with its registered marketing authorisation dossier is temporarily unavailable. It also provides a mechanism to bring a batch that is not in full compliance with its registered marketing authorisation dossier into compliance, thus facilitating its supply to the market. The IMB prioritises the assessment of these applications to ensure that product shortages may be avoided when an issue arises that can be addressed by this scheme. The Department of Health and Children, the IMB and the HSE have been working together to identify and implement procedures to improve the management of medicine shortages.

In addition, the Pharmaceutical Society of Ireland works with the pharmacy profession to advise and assist when necessary, as pharmacists seek to meet patients' needs and ensure continuity of care.

### Health Services

467. **Deputy Seán Kenny** asked the Minister for Health and Children his views on the proposal by an organisation (details supplied) for the reorganisation of services in the HSE Dublin north east area to provide improved child and adolescent diabetes services. [11265/11]

**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.

*Questions Nos. 468 and 469 answered with Question No. 460.*

### Health Service Transport

470. **Deputy Patrick O'Donovan** asked the Minister for Health and Children if a person (details supplied) in County Limerick can receive assistance to cover transportation costs for medical care. [11281/11]

**Minister for Health and Children (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

*Questions Nos. 471 and 472 answered with Question No. 460.*

### Medical Cards

473. **Deputy Patrick O'Donovan** asked the Minister for Health and Children the position regarding an application for a medical card in respect of a person (details supplied) in County Limerick. [11301/11]

**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Hospital Accommodation

474. **Deputy Billy Kelleher** asked the Minister for Health and Children the basis upon which he has decided to accept the figures for those on trolleys awaiting admission to hospital beds prepared by the Irish Nurses and Midwives Organisation; and the studies he has carried out on this matter in the past two months. [11306/11]

**Minister for Health and Children (Deputy James Reilly):** The key objective for my Department, and the HSE, in measuring waiting times in hospital Emergency Departments is to have an accurate picture of patient journeys from entry to exit, as opposed to those patients solely awaiting admission.

Following recent discussions with the HSE, particularly with Dr. Barry White, National Director for Clinical Programmes, I am of the view that the basis on which the INMO has been producing the figures is the one we should use from now on. On that basis, I want the system to move as quickly as possible to a six-hour target, meaning patients are either in a bed on a ward or appropriately discharged within six hours. With this in mind, the trolley count will now be published by the HSE based on the methodology currently being used in each hospital to collect the INMO data. This will be validated by Nurse Managers in Emergency Departments and bed managers within each hospital. Furthermore, the six-hour target will become the primary measure for admission delays. In order to make sure that happens, I am committed to establishing a Special Delivery Unit (SDU) to improve access to the emergency and elective care system. The SDU is a Government priority and is one of the commitments from the

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*Programme for Government 2011-2016* to be achieved within the first 100 days. Extensive work is currently being undertaken in designing the Unit, which will be modelled, in part, on the successful special delivery unit in Northern Ireland which substantially reduced waiting lists over two to three years.

### **Primary Care**

475. **Deputy Billy Kelleher** asked the Minister for Health and Children if he will be taking action to recover funds allocated to support primary care teams which he believes have been improperly counted as such. [11307/11]

491. **Deputy John Deasy** asked the Minister for Health and Children the criteria laid down for the provision of primary care units; the additional benefits and services to the public envisaged by the provision of same; and if he will make a statement on the matter. [11432/11]

**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** I propose to take Questions Nos. 475 and 491 together.

The development of Primary Care teams and services is a priority under the Programme for Government. The aim is to provide up to 95% of health and social care in local communities and this will be achieved by increasing activity in the primary care setting and redirecting health services away from acute hospitals to the community.

The Health Service Executive (HSE) has responsibility for the development of Primary Care Centres in line with the Primary Care Strategy. It is the HSE's plan that the majority of Primary Care Centres will be provided by the private sector through leasing agreements.

In this context, the Executive has developed a generic design model for Primary Care Centres, with accommodation for up to three Primary Care Teams per centre. It is the HSE's intention to deliver up to 200 Primary Care Centres using this leasing strategy. The HSE states that, to date, 32 Primary Care Centres are complete and in operation. 16 of these have opened under the leasing arrangement, accommodating 23 Primary Care Teams. Primary Care Centres in disadvantaged urban and small rural towns / isolated areas will continue to be funded from the Exchequer.

In accordance with the Primary Care Strategy, modern, well-equipped primary care centres will be central to the effective functioning of primary care teams. The centres will allow multi-disciplinary services, provided by GPs, nurses, physiotherapists, occupational therapists and others, to be made available on a single site, providing a single point of access for the user and will encourage closer co-ordination between providers. The new centres will greatly assist in the provision of modern services, in particular the provision of chronic disease management by multi-disciplinary teams.

The criteria for the location of PCTs include population size; availability of GPs in local areas; existing General Medical Services (GMS) patterns and the location of existing and proposed Primary Care Centres.

There are significant variations across PCTs in terms of the number of clinical team meetings held, the number of patients discussed and the number of patient care plans agreed. It is a key priority for this Government that all PCTs are fully functional and the HSE has been asked to make significant progress on this issue over the next 12 months. As a first step, the HSE has been asked to identify precisely how many teams are currently fully operational.

### Health Service Staff

476. **Deputy Billy Kelleher** asked the Minister for Health and Children the number of occasions when officials of the Health Service Executive were unavailable to him in his first two months in office. [11308/11]

**Minister for Health and Children (Deputy James Reilly):** Since my appointment as Minister for Health and Children I have had numerous meetings with senior officials of the Health Service Executive. There will continue to be regular and ongoing liaison between myself, the Department and the Executive.

### Medical Cards

477. **Deputy Ciara Conway** asked the Minister for Health and Children the position regarding an application for the renewal of a medical card in respect of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [11313/11]

**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

478. **Deputy Ciara Conway** asked the Minister for Health and Children the position regarding an application for a medical card in respect of a person (details supplied) in County Waterford; and if he will make a statement on the matter. [11315/11]

**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Departmental Agencies

479. **Deputy Dominic Hannigan** asked the Minister for Health and Children the number of State agencies or organisations under his remit which are paid up members of the Irish Business and Employers Confederation; the name of each agency or organisation; the amount each State agency or organisation paid to the Irish Business and Employers Confederation for the years 2007, 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [11325/11]

**Minister for Health and Children (Deputy James Reilly):** The State agencies under the remit of my Department that are currently members of the Irish Business and Employers Confederation have provided the following details of payments made

| Agency                                       | Amount paid for 2007 (€) | Amount paid for 2008 (€) | Amount paid for 2009 (€) | Amount paid for 2010 (€) | Amount paid for 2011 (€) |
|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Health Information and Quality Authority     | NIL                      | 2,620.94                 | 2,625.28                 | 2,625.28                 | 2,616.32                 |
| Irish Blood Transfusion Service*             | 58,629.01                | 143,279.13               | 133,591.43               | 59,505.11                | 35,527.84                |
| Voluntary Health Insurance                   | 29,486.52                | 30,610.94                | 30,715.78                | 30,715.78                | 30,610.94                |
| Health and Social Care Professionals Council | NIL                      | NIL                      | NIL                      | NIL                      | 2,131.60                 |
| Pre-Hospital Emergency Care Council          | 1,040                    | 1,300                    | 1,300                    | 1,300                    | 1,300                    |
| Irish Medicines Board                        | 7,556.24                 | 8,660.32                 | 9,462.00                 | 9,644.20                 | 9,935.72                 |



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| Agency                | Amount paid for 2007 (€) | Amount paid for 2008 (€) | Amount paid for 2009 (€) | Amount paid for 2010 (€) | Amount paid for 2011 (€) |
|-----------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Health Research Board | 2,203.80                 | 2,597.60                 | 2,597.60                 | 2,597.60                 | NIL                      |

\*Amounts comprise subscriptions and training fees

### Departmental Funding

480. **Deputy Éamon Ó Cuív** asked the Minister for Health and Children when a decision will issue on an application for funding of €200,000 made by an organisation (details supplied) in County Mayo; and if he will make a statement on the matter. [11345/11]

**Minister of State at the Department of Health and Children (Deputy Kathleen Lynch):** As this is a service matter it has been referred to the Health Service Executive for direct reply.

481. **Deputy Éamon Ó Cuív** asked the Minister for Health and Children the reason funding has been withdrawn from an organisation (details supplied) which deal with the response to domestic violence; the steps he has taken to ensure that the expertise built up by this group will be retained; and if he will make a statement on the matter. [11347/11]

**Minister for Health and Children (Deputy James Reilly):** The HSE has been considering changes in the arrangements for funding organisations that provide domestic, sexual and gender-based violence services, including Safe Ireland. However, it has been decided to extend the current funding to this organisation until 1st August to allow me to review these proposals.

### Health Services

482. **Deputy Éamon Ó Cuív** asked the Minister for Health and Children when a psychological examination will be carried out in respect of a person (details supplied) in County Galway in view of the need for a comprehensive approach to their needs; and if he will make a statement on the matter. [11353/11]

**Minister of State at the Department of Health and Children (Deputy Kathleen Lynch):** As the Deputy's question relates to service matters, I have arranged for this question to be referred to the Health Service Executive for direct reply.

483. **Deputy John Lyons** asked the Minister for Health and Children if suitable accommodation and proper support services will be put in place in respect of a person (details supplied) on their discharge from hospital; and if he will make a statement on the matter. [11358/11]

**Minister of State at the Department of Health and Children (Deputy Kathleen Lynch):** As this is a service matter the question has been referred to the HSE for direct reply.

*Question No. 484 answered with Question No. 460.*

### Medical Cards

485. **Deputy Martin Heydon** asked the Minister for Health and Children the position regarding an application for a medical card in respect of a person (details supplied) in County Kildare [11361/11]

**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Grant Payments

486. **Deputy Martin Heydon** asked the Minister for Health and Children the position regarding an application for subsidised funding from the Health Service Executive for completion of a disabled driving instruction course at the Disabled Drivers Association, Ballindine, County Mayo in respect of a person (details supplied) in County Kildare. [11366/11]

**Minister of State at the Department of Health and Children (Deputy Kathleen Lynch):** The provision of a grant to an individual to attend a residential driving instruction course at the Disabled Drivers Association of Ireland facility in Ballindine, Co. Mayo is completely at the discretion of the Health Service Executive. Accordingly, I have arranged for the question to be referred to the Health Service Executive for direct reply to the Deputy.

*Question No. 487 answered with Question No. 460.*

### Crisis Care Accommodation

488. **Deputy Jack Wall** asked the Minister for Health and Children his views regarding a submission on crisis care accommodation (details supplied); his plans to address the financial implications for the group; and if he will make a statement on the matter. [11397/11]

**Minister for Health and Children (Deputy James Reilly):** My officials have asked the HSE to furnish the information concerned and I will communicate with the Deputy as soon as it is to hand.

### Health Action Plan

489. **Deputy Noel Harrington** asked the Minister for Health and Children if his attention has been drawn to the diabetes action brief policy document published by an organisation (details supplied); the measures he will take to improve services on a regional basis to those diagnosed with diabetes particularly those in County Cork who have to travel to Dublin for treatment; and if he will make a statement on the matter. [11415/11]

**Minister for Health and Children (Deputy James Reilly):** The Minister is aware of the Diabetes Action proposal document.

The report of the Health Service Executive Diabetes Expert Advisory Group (2008) identified the inadequacy of service provision in the area of paediatric and adolescent treatment and proposed a comprehensive regional plan to improve the service. The internationally accepted method of improving diabetes control is that the child/adolescent be cared for by a multidisciplinary team of specialists in both diabetes and paediatrics.

The Expert Advisory Group (EAG) made paediatric/adolescent diabetes care a priority and it drew up Standards of Care, reviewed and endorsed the clinical practice guidelines of the international society for paediatric and adolescent diabetes and proposed that diabetes care be reorganised and delivered on a regional basis. The EAG made a number of recommendations in relation to the treatment of paediatric/adolescent patients with diabetes.

Diabetes services for paediatric and adolescent patients in the Cork area are provided at Cork University Hospital (CUH). This service is led by a Consultant Paediatric Endocrinologist. The post of Consultant Paediatrician (special interest in Diabetes and Endocrinology) at

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CUH is currently filled in a temporary capacity and measures to fill this post on a permanent capacity are well advanced. Restructuring has also made it possible to create another consultant post and interviews have taken place in this regard. The appointment of a second consultant will further enhance the service being provided at CUH and ensure that the service provided at CUH meets the standards of care set out by the EAG.

### Hospital Staff Rosters

490. **Deputy Peter Mathews** asked the Minister for Health and Children his plans to change the rostering system in order that junior doctors are no longer forced to work 72 hour shifts without sleep; and if he will make a statement on the matter. [11429/11]

**Minister for Health and Children (Deputy James Reilly):** Under the new Non Consultant Hospital Doctor (NCHD) Contract agreed with the Irish Medical Organisation in 2010, NCHDs should not be rostered to work for more than 24 consecutive hours on-site. Furthermore, the contract provides that NCHDs who are rostered to work on-site for a period of 24 hours will only do so on a 1 in 5 basis other than in exceptional circumstances. In these circumstances NCHDs are to receive their full compensatory rest entitlements before their next period of work, as provided for in the European Working Time Directive and transposed into Irish law. The contract terms reflect the Collective Agreement reached between the Health Service Executive and the IMO on 22 January 2010.

*Question No. 491 answered with Question No. 475.*

### Hospital Services

492. **Deputy Olivia Mitchell** asked the Minister for Health and Children the position regarding the proposed merger of St. Vincent's Hospital and the Mater Hospital in Dublin; if it is still planned; the timeframe for completion of the project; and if he will make a statement on the matter. [11460/11]

**Minister for Health and Children (Deputy James Reilly):** My Department and the Health Service Executive are aware of the proposal by the Dublin Academic Medical Centre (DAMC), which proposes to involve the merger of the Mater Misericordiae University Hospital and St. Vincent's Healthcare Group, and a strategic alliance between the merged hospital and UCD. The creation of this Centre remains a critical strategic objective for the aforementioned organisations. The institutions involved believe that the DAMC will be able to deliver the highest standards of safe patient care in an environment where continual quality improvement is underpinned by a culture of research and education.

The DAMC, in conjunction with the Boards of both St. Vincent's Healthcare Group and the Mater Misericordiae University Hospital, is currently engaged in a process of planning the operational, financial and legal aspects of the proposed merger. I will be considering the implications of this proposal and my Department has asked the HSE to supply further information on the matter to me.

### Health Services

493. **Deputy Seán Ó Fearghaíl** asked the Minister for Health and Children when a hearing aid test for a person (details supplied) in County Kildare will be facilitated; and if he will make a statement on the matter. [11465/11]

**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** As this is a service matter it has been referred to the HSE for direct reply.

494. **Deputy John McGuinness** asked the Minister for Health and Children if he will ensure that a place will be provided for a person (details supplied); if he will expedite a response; and if he will make a statement on the matter. [11538/11]

495. **Deputy John McGuinness** asked the Minister for Health and Children if appropriate levels of speech therapy, occupational therapy and physiotherapy will be provided for a person (details supplied); if the specialised equipment they require will be provided without delay by the Health Service Executive; if the full programme of early intervention required as recommended by their professionals will be put in place by the HSE in consultation with their parents; if he will explain the lack of proactive engagement to date by the HSE and the unacceptable waiting lists; and if he will make a statement on the matter. [11540/11]

**Minister for Health and Children (Deputy James Reilly):** I propose to take Questions Nos. 494 and 495 together.

As the Deputy's questions relate to service matters, I have referred these questions to the Health Service Executive for direct reply.

#### **Departmental Expenditure**

496. **Deputy John McGuinness** asked the Minister for Health and Children if he will confirm the number of credit cards issued by him and to whom; the criteria for issuing such cards; the credit card company used; if a competitive process was used to select the company; if the facility has had to be withdrawn from any person; and if he will make a statement on the matter. [11558/11]

**Minister for Health and Children (Deputy James Reilly):** There are two corporate credit/charge cards for official business purposes currently in use in my Department. A Bank of Ireland Visa credit card is issued to my Private Secretary. The second card is an American Express charge card and is issued to a nominated officer in my Department's Finance Unit. This card is used to cover a range of costs such as publications, seminar and conference fees, annual membership fees, transport costs and software purchases where payment by credit card is required. The credit/charge cards were selected for their specific features. No credit card facility has had to be withdrawn from any official in my Department.

#### **Public Procurement Contracts**

497. **Deputy Noel Grealish** asked the Minister for Health and Children the number of public contracts awarded to European companies and the number awarded to indigenous companies over the past five years; the monetary value of the projects awarded to European companies as opposed to indigenous companies for the past five years; and if he will make a statement on the matter. [11611/11]

**Minister for Health and Children (Deputy James Reilly):** The information requested by the Deputy is being collated by my Department and will be forwarded to him as soon as it is available.

#### **Nursing Homes Support Scheme**

498. **Deputy Dara Calleary** asked the Minister for Health and Children if he will review the flaw in the nursing homes support scheme which means that, except in the case of a sudden

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illness requiring immediate and unforeseen nursing home care, the 15% cap does not apply to farm land; and if he will make a statement on the matter. [11626/11]

**Minister of State at the Department of Health and Children (Deputy Kathleen Lynch):** Under the Nursing Homes Support Scheme, individuals contribute up to 80% of their assessable income and a maximum of 5% of the value of any assets per annum towards their cost of care. The first €36,000 of an individual's assets, or €72,000 in the case of a couple, is not counted at all in the financial assessment. The scheme includes a safeguard that nobody will pay more than the actual cost of care.

An individual's principal residence is only included in the financial assessment for the first three years of their time in care. This is known as the 15% or 'three year' cap. It means that individuals pay a 5% contribution based on their principal residence for a maximum of three years regardless of the time they spend in nursing home care. After 3 years, even if an individual is still in long-term nursing home care, they will not pay any further contribution based on the principal residence. This 'three year' cap applies regardless of whether an individual chooses to opt for the loan or not. The intention of this three year cap is to protect the family home.

The 'three year' cap also extends to farms and businesses in circumstances where:

i. the person has suffered a sudden illness or disability which causes them to need long-term nursing home care, and

ii. the person or their partner was actively engaged in the daily management of the farm or business up until the time of the sudden illness or disability,

and

iii. a family successor certifies that he or she will continue the management of the farm or business.

In the case of couples, the measure applies where the applicant suffered a sudden and unforeseen illness and either or both members of the couple have been engaged in the running of the family farm or business. This stipulation is in keeping with the key principle of joint assessment of couples.

The 'three year cap' was extended to farms and businesses at Report Stage in the Dáil because a number of Deputies and farming interest groups, expressed concern, at both Second and Committee Stages, about the treatment of farms under the legislation. In particular, there was concern about the potential impact of the 5% annual contribution on the sustainability of family farms and businesses, specifically, in situations where care is required from an early age and for a prolonged period.

This measure is intended to ensure the financial sustainability of farms and businesses in cases where a person suffered a sudden illness and did not have an opportunity to put appropriate succession arrangements in place. It affords additional protection because it ensures that a person's maximum contribution is fully quantifiable.

If a farm or business has been transferred more than five years prior to an individual's application for the Nursing Homes Support Scheme, the asset will not be taken into account at all in the course of the financial assessment. The Minister for Health and Children does not propose to review the legislation at present. Individuals in possession of such assets may already avail of the three year cap where they have not had an opportunity to put succession arrangements in place. In contrast, the 5% contribution based on assets other than the principal resi-

dence or farms and businesses that meet the criteria outlined above is ongoing for the duration of the individual's time in long-term nursing home care.

### Departmental Funding

499. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children the reason for the withdrawal of all core funding to Rape Crisis Network Ireland, effective 30 June; and if he will reverse this decision as a matter of priority because of the catastrophic impact it will have on addressing sexual violence and child sexual abuse. [11646/11]

**Minister for Health and Children (Deputy James Reilly):** The HSE has been considering changes in the arrangements for funding organisations that provide domestic, sexual and gender-based violence services, including Rape Crisis Network Ireland. However, it has been decided to extend the current funding to Rape Crisis Network Ireland until 1 August to allow me to review these proposals.

### Medical Cards

500. **Deputy Brendan Griffin** asked the Minister for Health and Children the position regarding an over 70s medical card application in respect of a person (details supplied) in County Kerry; and if he will make a statement on the matter. [11654/11]

**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Nursing Homes Support Scheme

501. **Deputy Brian Stanley** asked the Minister for Health and Children the number of fair deal nursing home residents that are currently in receipt of State therapy services as part of their overall care within a nursing home. [11659/11]

**Minister of State at the Department of Health and Children (Deputy Kathleen Lynch):** As previously stated, the information requested by the Deputy is not available.

State therapy services are provided having regard to demand, availability of resources and on a priority basis based on clinical need. Individuals in receipt of these services, who are in receipt of financial support under the Nursing Homes Support Scheme, are not identified separately.

### Health Services

502. **Deputy Anthony Lawlor** asked the Minister for Health and Children his plans to reform the current diabetes paediatric services in the Health Service Executive Dublin-mid-Leinster area; and if he will make a statement on the matter. [11661/11]

**Minister for Health and Children (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### Health Services

503. **Deputy Anthony Lawlor** asked the Minister for Health and Children his plans to extend the health centre in an area (details supplied) in County Kildare in order to alleviate the current overcrowding situation being experienced by the staff and persons attending the centre; and if he will make a statement on the matter. [11662/11]

**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Hospitals Building Programme

504. **Deputy Tom Fleming** asked the Minister for Health and Children when will he sign off on the capital plan; if it will include the long-awaited new community hospital for Kenmare; if the old community hospital will meet the Health Information Quality Authority standards in the event of the new hospital not going to construction this year; and if he will make a statement on the matter. [11685/11]

**Minister of State at the Department of Health and Children (Deputy Kathleen Lynch):** The HSE has submitted its draft Capital Plan for the multi-annual period 2011 — 2015. This draft plan is under consideration and requires the Minister's approval with the consent of the Minister for Finance. Details of the plan will be published by the HSE following its approval.

As the element of the Deputy's question relating to whether the community hospital meets the Health Information and Quality Authority's standards is a service matter it has been referred to the HSE for direct reply.

### Hospital Waiting Lists

505. **Deputy Eric Byrne** asked the Minister for Health and Children the amount of theatre and consultation time spent on private patients as opposed to public patients in the Royal Victoria Eye and Ear Hospital, Dublin 2; the waiting time for a consultation for a cataract surgical appointment; and if a patient is deemed to be in an emergency situation the average waiting time for a surgical appointment. [11687/11]

**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.

### Cancer Incidence

506. **Deputy Dessie Ellis** asked the Minister for Health and Children if he will investigate a cancer cluster in an area (details supplied). [11688/11]

**Minister for Health and Children (Deputy James Reilly):** The National Cancer Registry is the statutory body with responsibility for *inter alia* the collection and analysis of information relating to the incidence of cancer and related tumours in Ireland. My Department has asked the Registry to respond directly to the Deputy in relation to the incidence of cancer in the area specified.

The issue of the disposal of material at a site in Santry is a matter for my colleague, the Minister for the Environment, Community and Local Government. His Department has advised that between 1972 and 1981, the site's owners, Trinity College Dublin (TCD), disposed of waste there which mainly included packaging for radioactive substances. In 1998, at the request of TCD, the Radiological Protection Institute of Ireland (RPII) carried out a survey of the disposal site. The survey showed that the external radiation levels measured were consistent with natural background levels. The RPII concluded that, on the basis of the survey results, the site does not represent a radiological hazard to members of the public but recommended that should there be further development of the site additional checks should be carried out. There has not been any further development of the site since then. The Department of the Environment, Community and Local Government has also advised that the RPII performed

additional sample analysis in the area for concerned residents in May of 2000 where all radiation levels were found to be consistent with background levels.

The question of pylons is also a matter for the Minister for the Environment, Community and Local Government and his Department has advised that the issue of potential health effects of electromagnetic fields was comprehensively covered by the Expert Group Report published by Government in March 2007 entitled “Health Effects of Electromagnetic Fields”, which is available on the website of that Department.

### **Ambulance Service**

507. **Deputy Michael Creed** asked the Minister for Health and Children if he has quantified the extent of the use of the Public Ambulance Service for the transport of non emergency private patients; the extent to which this exposes the public to danger in view of the lack of ambulance cover that this involves for the public; the level of remuneration secured by the Health Service Executive in respect of this transport from private health insurance companies; and if he will make a statement on the matter. [11705/11]

**Minister for Health and Children (Deputy James Reilly):** The HSE has advised me that from January to March 2011 the National Ambulance Service had a total of 216,571 calls for emergency and non emergency public patient transport and 92 calls for last resort or time critical private patient transport. I have been assured by the National Ambulance Service that its priority in allocating its resources is to ensure its services are available to deal with emergency and public patient transfers.

The National Ambulance Service transports patients with private health insurance cover when requested to do so by a HSE hospital in circumstances where the hospital advises that no private ambulance company is either available or available within an acceptable timeframe. The National Ambulance Service invoices the private health insurance company for the costs incurred to it in providing the transfer and does not make any profit in respect of such transfers.

### **Hospital Services**

508. **Deputy Billy Timmins** asked the Minister for Health and Children the position regarding a hospital (details supplied) in County Dublin; and if he will make a statement on the matter. [11709/11]

**Minister for Health and Children (Deputy James Reilly):** As the Deputy’s question relates to the delivery of services, I have asked the HSE to reply to him directly.

### **Hospital Waiting Lists**

509. **Deputy Ciarán Lynch** asked the Minister for Health and Children the plan in place to deal with the backlog of orthopaedic outpatients at Cork University Hospital; if there has been any recent initiatives directed at reducing the waiting time; if he will indicate the number of patients at present on the waiting list; the average waiting time; the longest waiting time; and if he will make a statement on the matter. [11712/11]

**Minister for Health and Children (Deputy James Reilly):** The management of waiting lists generally is a matter for the HSE and the individual hospitals concerned. I have, therefore, referred the Deputy’s question to the Executive for direct reply.

### **Medical Cards**

510. **Deputy Tom Fleming** asked the Minister for Health and Children if he will review a medical card application in respect of persons (details supplied) in County Kerry. [11714/11]



**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

511. **Deputy Niall Collins** asked the Minister for Health and Children the position regarding an application for a medical card in respect of a person (details supplied) in County Limerick. [11730/11]

**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

#### **Accident and Emergency Services**

512. **Deputy Seán Kenny** asked the Minister for Health and Children the steps being taken at accident and emergency departments to return ambulance trolleys to ambulance personnel as soon as possible when a patient is admitted, in view of the fact that recently ambulance personnel had to wait several hours to get trolleys returned to them; and if he will make a statement on the matter. [11736/11]

**Minister for Health and Children (Deputy James Reilly):** As Minister for Health and Children I am determined to address the issues which cause unacceptable delays in patients receiving treatment in our hospitals. The Government is committed to establishing a Special Delivery Unit (SDU) to improve access to the emergency and elective care system. The SDU is a Government priority and is one of the commitments from the *Programme for Government 2011-2016* to be achieved within the first 100 days. Extensive work is currently being undertaken in designing the Unit, which will be modelled, in part, on the successful special delivery unit in Northern Ireland which substantially reduced waiting lists over two to three years. In relation to the Deputy's question regarding ambulance trolleys, I have referred your question to the HSE and my Department will respond to you on the matter in due course.

513. **Deputy Seán Kenny** asked the Minister for Health and Children his plans to provide additional funding to purchase additional ambulances for Dublin Fire Brigade in view of the fact that the fire brigade has only received one additional ambulance in the past 25 years. [11737/11]

**Minister for Health and Children (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for direct reply.

514. **Deputy Seán Kenny** asked the Minister for Health and Children his plans to provide an air ambulance for the Dublin region. [11738/11]

**Minister for Health and Children (Deputy James Reilly):** The Booz Allen Hamilton study on the introduction of a dedicated helicopter emergency medical service (HEMS) for the island of Ireland, jointly commissioned by the Department of Health and Children and the Northern Ireland Department of Health, Social Services and Public Safety was published in April 2004. In HEMS, a helicopter is used in the primary pre-hospital emergency response role, rather than as aeromedical support to land-based pre-hospital emergency care.

The Booz Allen Hamilton study did not support the establishment of a HEMS for emergency responses, as the data did not demonstrate better patient outcomes through use of HEMS in the primary response role, relative to ground ambulance services. The study offered a support-

ive view of helicopter use for inter-hospital transfers, with some evidence for the use of helicopters in an aeromedical response role, for patient transport in support of the land service.

In light of the report and the need to significantly enhance land ambulance services in both jurisdictions, the Departments agreed that policy for the medium-term would concentrate on the consolidation and development of land services. For the HSE, this includes:

- working to unify land ambulance services into one integrated national service;
- ensuring that ambulance personnel are trained to provide more complex pre-hospital care;
- improving the command and control function; and
- organising emergency ambulance services to support the reconfiguration of the acute hospital service.

An air ambulance service is currently provided by the Air Corps through a service level agreement with the Health Service Executive. The Air Corps service provides for:

- inter-hospital transfer of patients with spinal or other serious injury or illness;
- neonates requiring immediate medical intervention in Ireland;
- patients requiring specialised emergency treatment in the UK;
- organ retrieval teams within Ireland; and
- paediatric patients requiring immediate medical intervention in Ireland.

In addition, the Irish Coast Guard provides air ambulance inter-hospital transfers and also provides emergency medical evacuation from the islands around Ireland. In situations where the Coast Guard service is not available, the Air Corps will transport patients from offshore islands to mainland hospitals. In the circumstances, therefore, there are no plans at present to pursue the introduction of alternative air ambulance services.

### **Health Services**

515. **Deputy Charlie McConalogue** asked the Minister for Health and Children the progress made to establish facilities for children (details supplied); and if he will make a statement on the matter. [11746/11]

**Minister of State at the Department of Health and Children (Deputy Kathleen Lynch):** There are a number of barriers and obstacles which exist in relation to the proposals in relation to Duchenne Muscular Dystrophy research, standards of care and the inclusion of Irish boys in international clinical trials, the most significant being the identification of a clinical lead in Ireland. My Department is awaiting a written proposal in relation to the development of a clinical trial site in Ireland and/or linking with European trials in the assessment and treatment of neuromuscular diseases. My Department has also asked the Health Service Executive's Clinical Care Directorate to consider the standards of care protocol in treating Duchenne Muscular Dystrophy in developing paediatric models of care for Ireland.

### **Mental Health Services**

516. **Deputy Catherine Byrne** asked the Minister for Health and Children the position regarding funding for mental health residential care places in Dublin South-West and Dublin West;

[ Deputy Catherine Byrne.]

the number of adults awaiting approval of funding; the number of under 18 year olds awaiting approval of funding; the number of places likely to be funded in 2011; and if he will make a statement on the matter. [11749/11]

**Minister of State at the Department of Health and Children (Deputy Kathleen Lynch):** As this is a service matter the question has been referred to the HSE for direct reply.

517. **Deputy Catherine Byrne** asked the Minister for Health and Children the position regarding funding for rehabilitation training for persons with intellectual disabilities in Dublin South-West and Dublin West; the number of adults awaiting approval of funding; the number of under 18 year olds awaiting approval of funding; the number of places likely to be funded in 2011; and if he will make a statement on the matter. [11750/11]

**Minister of State at the Department of Health and Children (Deputy Kathleen Lynch):** As the Deputy's question relates to service matters, I have arranged for the question to be referred to the Health Service Executive for direct reply.

### Medical Aids and Appliances

518. **Deputy Tom Fleming** asked the Minister for Health and Children if he will reverse the decision made prior to Christmas 2010 whereby the distribution of incontinent materials and pads was centralised to Killarney (details supplied), in view of the fact that this decision is causing hardship to clients who do not have the benefit of their own transport. [11751/11]

**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

### Departmental Agencies

519. **Deputy Anne Ferris** asked the Minister for Health and Children the amount that will be saved with the termination of the Health Service Executive core funding to domestic violence network SAFE Ireland and Rape Crisis Network Ireland; if he will advise which agency will handle the work that until now has been carried out by SAFE Ireland and RCNI after the funding has been cut; and if he will make a statement on the matter. [11752/11]

**Minister for Health and Children (Deputy James Reilly):** Total expenditure by the HSE on the two National Networks came to €839,366 in 2009. The HSE has been considering changes in the arrangements for funding organisations that provide domestic, sexual and gender-based violence services, including Rape Crisis Network Ireland and SAFE Ireland. However, it has been decided to extend the current funding to both organisations until 1st August to allow me to review these proposals.

### Hospital Staff

520. **Deputy Anne Ferris** asked the Minister for Health and Children in view of the fact that a centre (details supplied) has raised funds to provide for two additional half-time Down's syndrome liaison nurses for Cork University Maternity Hospital and Limerick Maternity Hospital, if the Health Service Executive will create the two additional half-time equivalent positions above and beyond each hospital's existing quota; and if he will make a statement on the matter. [11755/11]

**Minister for Health and Children (Deputy James Reilly):** As this is a service matter, it has been referred to the HSE for attention and direct reply to the Deputy.

*Question No. 521 answered with question No. 459.*

### **Proposed Legislation**

522. **Deputy Billy Timmins** asked the Minister for Health and Children the position regarding the regulation for sunbed use here; the regulations in place at present; and if he will make a statement on the matter. [11768/11]

**Minister for Health and Children (Deputy James Reilly):** Currently, there are no statutory regulations governing sunbed use. However, I will imminently seek Government approval to prepare legislation to regulate sunbed use, in particular to prohibit their use by those under 18 years of age. Other proposals include ensuring that adequate protective eyewear is provided, that information on the health risks associated with sunbeds use is provided and prohibiting sunbed outlets and retailers from attributing health benefits to sunbed use. My Department has already completed a considerable body of work in relation to the proposed legislation. Subject to Government approval, work will proceed on drafting the required legislation. My aim is that the legislation will be initiated in the Oireachtas before the end of this year.

### **Insurance Industry**

523. **Deputy Billy Kelleher** asked the Minister for Health and Children the number of meetings he had with the chief executive officer of the VHI since he was appointed Minister; if he outlined his detailed plan to the CEO of his proposal to implement universal health insurance and if he requested the CEO's resignation; and if he will make a statement on the matter. [11771/11]

**Minister for Health and Children (Deputy James Reilly):** I have met with the CEO of the VHI twice since my appointment in March 2011. The first meeting took place soon after I took office when I met him along with the Chairman of the Board of the VHI. The second meeting was on 5 May last. At the meeting on 5 May, I outlined in general terms my plans for the introduction of Universal Health Insurance and how I considered the VHI could best fit into that future structure. In the course of those discussions, the CEO advised me of his intention to resign.

This Government has received a clear mandate to reform the health service and introduce a system of Universal Health Insurance. I have recently agreed to the appointment of financial and legal advisors to make recommendations on options to address the current imbalance in the private health insurance market. The advisors have been invited to consider all options, including, but not limited to, a break-up of the VHI. I have expressed my gratitude to the CEO for the considerable contribution he has made over the last three years. I understand that it is his intention to return to working in the private sector and I wish him every success for his future career.

### **Hospital Services**

524. **Deputy Finian McGrath** asked the Minister for Health and Children the position regarding a surgery in respect of a person (details supplied) in Dublin 5. [11776/11]

**Minister for Health and Children (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### Health Services

525. **Deputy Dominic Hannigan** asked the Minister for Health and Children the consideration being given to the diabetes action plan for a reorganisation of care of children and adolescents with type 1 diabetes in County Meath; and if he will make a statement on the matter. [11818/11]

**Minister for Health and Children (Deputy James Reilly):** As this is a service matter, it has been referred to the Health Service Executive for direct reply.

### Medical Cards

526. **Deputy John McGuinness** asked the Minister for Health and Children if an application for a medical card now under appeal will be expedited and approved in respect of persons (details supplied) in County Kilkenny. [11829/11]

**Minister of State at the Department of Health and Children (Deputy Róisín Shortall):** As this is a service matter it has been referred to the Health Service Executive for direct reply to the Deputy.

*Question No. 527 answered with question No. 459.*

### Hospital Waiting Lists

528. **Deputy John O'Mahony** asked the Minister for Health and Children the number of persons awaiting outpatients appointments at Mayo General Hospital; the departments at which they are waiting to be seen; and if he will make a statement on the matter. [11847/11]

**Minister for Health and Children (Deputy James Reilly):** The management of hospital services generally, including outpatient waiting lists, is a matter for the Health Service Executive and the individual hospitals concerned. Therefore, the Executive is the appropriate body to consider the particular case raised by the Deputy. My Department has requested the Parliamentary Affairs Division of the Executive to arrange to have the case investigated and to reply directly to the Deputy.

*Question No. 529 answered with question No. 459.*

### Hospital Waiting Lists

530. **Deputy Caoimhghín Ó Caoláin** asked the Minister for Health and Children if his attention has been drawn to the long delays for patients waiting to see a consultant in the ear, nose and throat department at Waterford Regional Hospital; if he will provide details of the numbers waiting to see a consultant; the average waiting time; if he will provide details of the number of ENT patients at the hospital on waiting lists for treatment and average waiting time; and if he will make a statement on the matter. [11855/11]

**Minister for Health and Children (Deputy James Reilly):** While the management of waiting lists generally is a matter for the HSE and the individual hospitals concerned, the Special Delivery Unit soon to be set up, will have a major role in addressing this issue. I have, therefore, in the interim referred the Deputy's question to the Executive for reply.

### Hospital Accommodation

531. **Deputy Finian McGrath** asked the Minister for Health and Children the reason for

Beaumont Hospital only recommending one bed and breakfast service for patients and visitors from outside the county. [11856/11]

**Minister for Health and Children (Deputy James Reilly):** The information sought by the Deputy is not readily available. However I have asked the Health Service Executive to supply this information to me and I will forward it to the Deputy as soon as possible.

### Road Safety

532. **Deputy Patrick O'Donovan** asked the Minister for Transport, Tourism and Sport his plans to change the current system of National Car Test testing for cars that are ten years or older. [11165/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority (RSA) has responsibility for the delivery of the National Car Test.

In 2008, the RSA reviewed the car testing specification and, following this review, proposed that a number of new test items be introduced to the National Car Test (NCT). A public consultation process was conducted by the RSA on the proposals in 2009 and, having considered the views received, the RSA recommended that the proposals, including annual testing of cars over ten years old, be introduced to the NCT. The recommendations were accepted and approved by my predecessor. The requirement for cars over ten years old to undergo annual testing will come into effect on 1 June 2011.

### Sports Capital Programme

533. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport his plans to restore the sports capital grants; and if he will make a statement on the matter. [11171/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** While no new round of the Sports Capital Programme has been advertised since 2008, the Programme is still very active with €33m being provided in the Estimates to fund the programme for 2011. No decision has been made about the timing of further rounds of the Programme.

### Road Network

534. **Deputy Patrick O'Donovan** asked the Minister for Transport, Tourism and Sport the number of heavy goods vehicles that went through toll plazas on the national roads network in 2010; and the way that number compares with the previous two years. [11201/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, I have responsibility for overall policy and funding in relation to the national roads programme. The construction, improvement and maintenance of individual national roads are matters for the National Roads Authority (NRA) under the Roads Acts 1993 to 2007 in conjunction with local authorities concerned.

In particular, the statutory power to levy tolls on national roads, to make toll bye-laws and to enter into toll agreements with private investors in respect of national roads is vested in the NRA under Part V of the Roads Act 1993 (as amended by the Planning and Development Act 2000 and the Roads Act 2007).

Noting this I have referred the Deputy's question to the NRA for direct reply. Please advise my private office if there is no reply within ten working days.

535. **Deputy Michael McGrath** asked the Minister for Transport, Tourism and Sport if he has received an application for a low cost safety improvement grant by Cork County Council for works at a location (details supplied). [11221/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The improvement and maintenance of regional and local roads, in its area, is a statutory function of each road authority in accordance with the provisions of section 13 of the Roads Act, 1993. Works on such roads are a matter for the relevant local authority to be funded from its own resources supplemented by State road grants. The initial selection and prioritisation of projects to be funded is also a matter for the local authority.

In May last year, the National Roads Authority (NRA) invited applications from road authorities for funding in 2011 under the Low Cost Safety Improvement Works scheme of grants. Among the applications submitted by Cork County Council was a proposal for works at Rathmullig East, Farmers Cross. However this project was not one of the schemes selected for funding in 2011.

It is open to Cork County Council to continue to prioritise this project and to resubmit it to the NRA for funding under the 2012 Low Cost Safety Improvement Works when applications are sought later in the year. It is also open to the council to fund this project through use of its own resources.

### **Tourism Industry**

536. **Deputy David Stanton** asked the Minister for Transport, Tourism and Sport his policy to encourage and attract tourists from Far Eastern countries such as Japan, China, South Korea, Taiwan and so on; and if he will make a statement on the matter. [11223/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Ireland's four primary overseas tourist markets — Great Britain, North America, Germany and France — deliver almost three quarters of our overseas visitors and will continue to be the primary focus of our overseas marketing efforts in the short term. I recognise however, that new and developing markets such as those referred to by the Deputy present excellent opportunities for Irish tourism in the medium to long term. Research has shown that visitors from longer haul destinations tend to stay twice as long as the average holidaymaker, have the highest spend per visit and have a higher propensity to travel throughout Ireland.

The effective marketing of Ireland as a holiday destination will play a key part in ensuring that we grow our market share of tourists from these markets. The Programme for Government commits to prioritising the Tourism Marketing Fund and to developing marketing campaigns in emerging long haul markets. Tourism Ireland is the agency responsible for developing these campaigns and I know that a series of innovative marketing and publicity campaigns and travel trade programmes is planned. A programme of training and familiarisation visits for tour operators and travel agents is already underway as well as a programme of media visits to allow journalists to experience the Irish tourism product at first hand and to generate positive broadcast, print and online coverage.

On the broader tourism policy side, the Government's Jobs initiative which was announced last week includes several initiatives specifically aimed at assisting the tourism sector. Measures such as the abolition of the air travel tax, the targeted cooperative marketing of new routes from tourism source markets and the reduction of VAT from 13.5% to 9% on the costs of certain services, including restaurant, accommodation and admission charges to tourist attractions, will help attract tourists from all markets. Of particular interest for some of the long haul developing markets is the introduction of the Visa Waiver Programme on a pilot basis from

July 2011 to October 2012. This measure will allow short-stay tourists from certain countries who are in possession of a valid UK visa and who have already entered the UK to have that visa recognised by Ireland as sufficient for lawful entry into the State at no additional cost. This imaginative measure will encourage visitors to Britain to extend their trips without the cost and inconvenience of applying for an Irish visa. I expect the tourism agencies to make the most of this opportunity this year and, particularly in 2012, to encourage people from these markets to come to Ireland and experience our hospitality for the first time in conjunction with the London Olympics.

These are just some of the measures aimed at ensuring that Ireland benefits from tourists from new and developing long haul markets. I look forward to working with the tourism agencies and other Departments in the months ahead to come up with further innovative ideas to ensure that we grow our market share from these markets.

### **Departmental Agencies**

537. **Deputy Dominic Hannigan** asked the Minister for Transport, Tourism and Sport the number of State agencies or organisations under his remit which are paid up members of the Irish Business and Employers Confederation; the name of each agency or organisation; the amount each State agency or organisation paid to the Irish Business and Employers Confederation for the years 2007, 2008, 2009, 2010 and to date in 2011; and if he will make a statement on the matter. [11330/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The issue raised is an operational matter for State Agencies. I have referred the Deputy's question to the companies for direct reply. Please advise my private office if you do not receive a reply within ten working days.

538. **Deputy Michael Healy-Rae** asked the Minister for Transport, Tourism and Sport the reason the maintenance of buildings occupied by Fáilte Ireland has been changed (details supplied); and if he will make a statement on the matter. [11331/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The matter raised is an operational one for Fáilte Ireland. I have referred the Deputy's Question to the agency for direct reply. Please advise my private office if you do not receive a reply within ten working days.

### **Marine Safety**

539. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport when equipment will be installed at a station (details supplied) in County Donegal; and if he will make a statement on the matter. [11336/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The equipment for the Marine Rescue Sub co-ordination Centre (MRSC) Malin Head was delivered in 2010. To enable the equipment to be installed, it is first necessary to undertake work to link the equipment in each of the three co-ordination centres together, the National Maritime Coordination Centre in Dublin and the MRSCs in Malin and Valentia, and to provide the necessary facilities to enable the new systems in Malin and Valentia to be progressively migrated onto the new technology. This work is currently in hands.

In the mean time the equipment in Malin will be installed in a temporary location in the Malin area in late 2011/early 2012 and the MRSC will go live on the new system during 2012.



[Deputy Leo Varadkar.]

When the new building on the Malin Head MRSC site is completed in 2014, subject to funding, the ICS equipment will be re-installed there.

540. **Deputy Charlie McConalogue** asked the Minister for Transport, Tourism and Sport when staff will be appointed to a station (details supplied) in County Donegal; and if he will make a statement on the matter. [11337/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** My Department undertook, as part of the Croke Park Agreement, to carry out a strategic review of the Irish Coast Guard, including the watch manning system which accounts for the majority of the Coast Guard staff. The Coast Guard review will also take account of efficiencies that may be possible due to the introduction of new technology. Further recruitment from the existing panel will be the subject of discussions between my Department and the Department of Finance following on from the strategic review. Recognising the challenges faced by long lead-in times for the recruitment and training of Watch Officers, I intend to have the review completed as quickly as possible.

541. **Deputy Éamon Ó Cuív** asked the Minister for Transport, Tourism and Sport the position regarding the provision of premises for the Cleggan Coast Guard Services at Cluain Leacht an Abba, An Cloigeann, Contae na Gaillimhe; and if he will make a statement on the matter. [11348/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** The Irish Coast Guard chairs a project management group with the Office of Public Works (OPW) to oversee a building programme which commenced in 1998. This programme is to modernise the pre-1900's volunteer Station Houses around the coast, subject to funding.

Cleggan Coast Guard Unit is one of a number of Coast Guard units with such a building that have been identified as needing new premises. The Coast Guard has not yet found a suitable site. Contact was made with the Department of Community, Equality and Gaeltacht Affairs regarding a proposed site, and discussions are ongoing. Any new development is subject to funding being available.

#### **National Roads Authority**

542. **Deputy John O'Mahony** asked the Minister for Transport, Tourism and Sport the number of solicitors that were appointed to the panel of the National Roads Authority to carry out work on its behalf; and if he will make a statement on the matter. [11393/11]

543. **Deputy John O'Mahony** asked the Minister for Transport, Tourism and Sport the names of the solicitors appointed to the National Roads Authority panel; and if he will make a statement on the matter. [11394/11]

544. **Deputy John O'Mahony** asked the Minister for Transport, Tourism and Sport the number of solicitors from the National Roads Authority panel that have been assigned work since it was set up; and if he will make a statement on the matter. [11395/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** I propose to take Questions Nos. 542 to 544, inclusive, together.

While as Minister for Transport, Tourism and Sport, I have responsibility for overall policy and funding in relation to the functions of the National Roads Authority, it is an independent statutory body established under the Roads Act 1993 in the execution of those functions. The

questions asked by the Deputy in relation to the use of solicitors by the NRA are administrative matters for the authority itself. I have therefore referred the Deputy's questions to the NRA for direct reply. Please advise my private office if there is no reply within ten working days.

### **Rail Network**

545. **Deputy Patrick O'Donovan** asked the Minister for Transport, Tourism and Sport if he will consider the inclusion of the proposed re-opening of Limerick to Foynes railway line in future national infrastructural plans for the State so as to optimise that facility's potential to develop in the future as a strategic piece of national infrastructure; and if he will make a statement on the matter. [11400/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As Minister for Transport, Tourism and Sport I have responsibility for policy and overall funding in relation to public transport. In relation to policy on this issue the Government has announced the preparation of a new capital investment framework for the period from 2012. This will be overseen by my colleague Deputy Brendan Howlin, Minister with responsibility for public expenditure and reform. The review will examine capital proposals across all sectors of the economy to establish a set of priority projects and programmes that will provide value for money for the tax payer, offer employment opportunities and provide a growth stimulus to the economy. This will be published as a new national development plan for the period 2012-2016. The preparation of the new framework requires that my Department review all existing projects and programmes. This will focus on the cost and benefits, the contribution to overall economic objectives as well as the employment creation potential, the key criteria will be affordability. The key criterion will be affordability. The review which will involve consultation with relevant agencies will of course also need to take account of new funding realities. A major priority will be to ensure funding to protect and maintain existing investment and maintain high safety standards. This of necessity will restrict the funding for new projects with only those offering the highest return having any chance of being prioritised.

Following my visit to Shannon Foynes Port, I wrote to Irish Rail to ask it to consider the re-opening of the line to freight. Obviously, given the precarious financial position of the State and the need to reduce the transport budget by several hundred million euro over the next two to three years, it can only be considered on the basis that it would cover its annual operating costs

### **Road Safety Authority**

546. **Deputy Tony McLoughlin** asked the Minister for Transport, Tourism and Sport the reason a person (details supplied) in County Sligo cannot obtain a National Car Test certificate because of a disconnected airbag on their vehicle due to their medical condition. [11401/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority has responsibility for the delivery of the national car test. I have referred the Deputy's question to the Road Safety Authority for direct reply. Please advise my private office if there is no reply within ten working days.

### **Sports Capital Programme**

547. **Deputy Seán Ó Fearghail** asked the Minister for Transport, Tourism and Sport if he will advertise a sports capital programme in 2011; and if he will make a statement on the matter. [11410/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** While no new round of the sports capital programme has been advertised since 2008, the programme is still very active with €33 million being provided in the Estimates to fund the programme for 2011. No decision has been made about the timing of further rounds of the programme

### State Airports

548. **Deputy Aengus Ó Snodaigh** asked the Minister for Transport, Tourism and Sport if the operators (details supplied) carrying US troops and cargo through Shannon Airport pay landing fees; and air traffic control fees, and if they do the amount of income from this in 2010. [11468/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** As landing fees and air traffic control fees at Shannon Airport are the responsibility of the Shannon Airport Authority and the Irish Aviation Authority respectively, I have forwarded the question to the two authorities for direct reply to the Deputy. I would ask the Deputy to contact my office if he has not received a reply within ten working days.

549. **Deputy Aengus Ó Snodaigh** asked the Minister for Transport, Tourism and Sport the number of civilian aircraft requested permission to overfly and to land here and in particular at Shannon Airport while carrying munitions in 2010; the number of permits that were granted and the persons granted same. [11469/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** 2057The number of applications by civilian airlines for permits to carry munitions in 2010 was 1352. A total of 1307 of these applications were granted. Approximately 8% of all applications were made in respect of requests to overfly Irish airspace without landing in Ireland.

Permits are not issued to persons but to civilian airlines. The Department is currently seeking legal advice to determine whether the consent of the airlines is required to allow the Department to release the names of the companies concerned.

### Departmental Expenditure

550. **Deputy John McGuinness** asked the Minister for Transport, Tourism and Sport if he will confirm the number of credit cards issued by him and to whom; the criteria for issuing such cards; the credit card company used; if a competitive process was used to select the company; if the facility has had to be withdrawn from any person; and if he will make a statement on the matter. [11563/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** 1The number of credit cards issued by the Minister of Transport, Tourism and Sport is ten. Details of the card holders in question are outlined in the table below:

| Card Holder       | Grade                                   | Card Issuer |
|-------------------|---|-------------|
| Chris Reynolds    | Director of Irish Coast Guard           | Visa        |
| Jurgen Whyte      | Head of Air Accident Investigation Unit | Visa        |
| Brian Hogan       | Chief Marine Surveyor                   | Visa        |
| Colin Murray      | Irish Coast Guard Officer               | Ulster Bank |
| Paul Cooper       | Irish Coast Guard Officer               | Ulster Bank |
| Dermot McConnoran | Irish Coast Guard Officer               | Ulster Bank |
| Anne Toner        | E.O. Irish Coast Guard                  | Ulster Bank |

| Card Holder   | Grade                         | Card Issuer |
|---------------|-------------------------------|-------------|
| Conor O'Leary | H.E.O. (Buildings & Services) | Ulster Bank |
| Tom Walsh     | H.E.O. (Buildings & Services) | Ulster Bank |
| Brian Moyne   | A.P. (Information Services)   | Ulster Bank |

The main criteria used for issuing these cards were to enable the users to make payments in emergency situations or for unforeseen/one off items of expenditure or where booking or payment by credit card is mandatory. The credit card companies used are Visa and Ulster Bank. Ulster Bank was selected as part of a competitive procedure. The facility has never been withdrawn from anyone.

### Public Transport

551. **Deputy Billy Timmins** asked the Minister for Transport, Tourism and Sport the position regarding park and ride facilities in County Wicklow; his plans to fund same in County Wicklow; and if he will make a statement on the matter. [11571/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** 1Following the establishment of the National Transport Authority (NTA) in December 2009, responsibility for the delivery of public transport infrastructure, including the provision of park ride facilities in the Greater Dublin Area, is a matter for the NTA. I have therefore referred the Deputy's question to the NTA for direct reply. Please advise my private office if there is no reply within ten working days.

### Tourism Industry

552. **Deputy Dominic Hannigan** asked the Minister for Transport, Tourism and Sport the steps he, semi-State organisations and agencies under his aegis are taking to promote County Meath both nationally and internationally as a tourist destination; the contact he has had with Meath Tourism since his appointment; his plans for the future promotion of County Meath as a tourist destination; and if he will make a statement on the matter. [11577/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** 1The matter raised is an operational one for Fáilte Ireland and Tourism Ireland. I have referred the Deputy's Question to the agencies for direct reply. Please advise my private office if there is no reply within ten working days.

### Coastal Protection

553. **Deputy Brendan Griffin** asked the Minister for Transport, Tourism and Sport the measures being taken to transfer the control of the Coast Guard Service to the Department of Agriculture, Fisheries and Food; and if he will make a statement on the matter. [11587/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** 1Officials of my Department are engaged in discussions with the Department of Agriculture, Marine and Food on the matter. Discussions have also taken place with the Office of the Attorney General in relation to a number of complex legal issues arising in the transfer. It may take several months to iron out these issues and it may require primary legislation.

### Public Procurement Contracts

554. **Deputy Noel Grealish** asked the Minister for Transport, Tourism and Sport the number of public contracts awarded to European companies and the number awarded to indigenous

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companies over the past five years; the monetary value of the projects awarded to European companies as opposed to indigenous companies for the past five years; and if he will make a statement on the matter. [11614/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** 1The information requested by the Deputy is being compiled and will be forwarded to him shortly.

### **Road Safety**

555. **Deputy Billy Timmins** asked the Minister for Transport, Tourism and Sport the position regarding the classic car scene here (details supplied); and if he will make a statement on the matter. [11651/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** 1Under the Road Safety Authority Act 2006 (Conferral of Functions) Order 2006 (S.I. No. 477 of 2006) the Road Safety Authority has responsibility for the delivery of the National Car Test.

In 2008, the RSA reviewed the car testing specification and, following this review, proposed that a number of new test items be introduced to the National Car Test. A public consultation process was conducted by the RSA on the proposals in 2009 and, having considered the views received, the RSA recommended that the proposals, including annual testing of cars over ten years old, be introduced to the NCT. The recommendations were accepted and approved by my predecessor.

Vehicles registered prior to 1 January 1980 remain exempt from NCT testing. There are no plans at present to apply the NCT to classic cars registered prior to 1980. Any changes would be the subject of a public consultation process conducted by the RSA and any recommendation would be submitted to me for approval. The training and competence levels of testing staff and the state of art test centre facilities ensure that all cars regardless of age can be thoroughly inspected and tested.

Matters relating to motor tax are the responsibility of the Minister for the Environment, Community and Local Government.

### **Taxi Regulations**

556. **Deputy Clare Daly** asked the Minister for Transport, Tourism and Sport if taxi enforcement officers are required to have a member of the Garda Síochána present while carrying out compliance checks on private property. [11668/11]

**Minister of State at the Department of Transport, Tourism and Sport (Deputy Alan Kelly):** 1Authorised persons, appointed under Section 49 of the Taxi Regulation Act 2003, have the power at any reasonable time to enter the premises or place where any taxi activity takes place. Members of the Gardaí are also deemed to be authorised persons under the 2003 Act.

In addition, section 49(5)(b) of the 2003 Act requires the presence of a Garda Síochána in cases where a taxi vehicle is stopped and searched by an authorised person, including the search of any licence or documents found in the vehicle.

The regulation of the taxi industry, including all matters relating to the implementation and enforcement of the provisions of the Taxi Regulation Act 2003 is the overall responsibility of the NTA, in cooperation with An Garda Síochána.

### State Agencies

557. **Deputy Kevin Humphreys** asked the Minister for Transport, Tourism and Sport if he will direct Dublin Port Company to release the results of the noise pollution study carried out at the MTL site on the Poolbeg peninsula; and if he will make a statement on the matter. [11727/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** 1This is an operational matter for the port company in which I have no function. It is not open to me to make directions to the State Companies of this nature.

### EU Funding

558. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport the extent of EU funding received for the provision of road, rail, air and seaport transport facilities or installations in each of the past three years and to date in 2011. [11740/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** 1The information requested by the Deputy is being compiled and will be forwarded to him shortly.

559. **Deputy Seán Kenny** asked the Minister for Transport, Tourism and Sport the extent of EU financial aid received for major or minor road works, rail or bus services or installations in each of the past three years to date in 2011. [11741/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** 1The information requested by the Deputy is being compiled and will be forwarded to him shortly.

### Official Engagements

560. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport the number of photocalls he has participated in since his appointment to office in his role as Minister and if he will supply a full list of the photocalls in question. [11765/11]

561. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport the cost to his Department of the various photocalls; and if he will list these on a case by case basis. [11766/11]

562. **Deputy Timmy Dooley** asked the Minister for Transport, Tourism and Sport the amount of time he has spent participating in photocalls since his appointment as Minister. [11767/11]

**Minister for Transport, Tourism and Sport (Deputy Leo Varadkar):** 1I propose to take Questions Nos. 560 to 562 together.

Since I was appointed Minister for Transport, Tourism and Sport on 9 March, I have participated in the photocalls listed below with the details requested by the Deputy:

| Date     | Detail                                       | Amount of time | Cost to the Department |
|----------|--|----------------|------------------------|
| 7 April  | Launch of Luas City West line                | 30 mins        | None                   |
| 19 April | Solheim Cup '150 days to go' launch          | 30 mins        | None                   |
| 3 May    | Launch of Swords Express                     | 20 mins        | None                   |
| 4 May    | Launch of Topaz charge for electric vehicles | 30 mins        | None                   |
| 9 May    | Hospice Mid Summer awareness campaign        | 20 mins        | None                   |

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| Date   | Detail                                     | Amount of time | Cost to the Department |
|--------|--|----------------|------------------------|
| 10 May | Announcement of Government Jobs Initiative | 25 mins        | None                   |
| 13 May | Launch of Galway Bike week                 | 30 mins        | None                   |

In addition, I have participated at a number of engagements in the course of my Ministerial duties for example, speaking at conferences and attending other official functions which photographers and journalists attend by their own volition or by invitations from third parties.